

18.04 TITLE, PURPOSE AND INTENT

18.04.010 INTRODUCTION

The Manitou Springs City Council recognizes community development is a dynamic process. Therefore, in 2004, it initiated a complete revision of the Zoning Code, which was originally adopted on September 25, 1975. To meet changing conditions, this Code had been amended on numerous occasions and in 2005 an updated Zoning Code was adopted.

18.04.020 REGULATIONS ADOPTION

~~Chapters 18.04, Title, Purpose and Intent, through 18.82, Zoning Map,~~ are adopted.

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18.04.030 TITLE

Titles 18.04 through 18.82 shall be known as the Zoning Code of the City of Manitou Springs, Colorado, and may be so cited and pleaded.

18.04.040 LEGAL AUTHORITY

This ~~Zoning Code~~ is authorized by Title 31, Article 23, Colorado Revised Statutes, 2004, as amended.

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18.04.050 PURPOSE

The purpose of this ~~Code~~ is to promote the health, safety, convenience, order, property aesthetics, environmental quality, and general welfare of the present and future inhabitants of Manitou Springs, Colorado, by:

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- A. Encouraging the total planning of all land tracts and parcels consistent with the goals and objectives of the City's Comprehensive Plan.
- B. Encouraging innovative approaches to urban design and the sound application of proven design methods.
- C. Encouraging new buildings and new development to be, as much as possible, in keeping with the general existing characteristics of the area.
- D. Provide a flexible framework in which a variety of land uses might coexist harmoniously.

18.04.060 CONSISTENCY WITH THE RAINBOW VISION/COMPREHENSIVE PLAN

No development shall be approved unless it is found to be in general accordance with the goals and objectives as stated in Manitou Springs' Rainbow Vision Plan, as from time to time amended.

18.04.070 RELATIONSHIP TO SUBDIVISION REGULATIONS

The character of any piece of land on which a development is proposed may require that specifications for the width of streets, utility rights-of-way, etc., may vary from adopted standards.

Lot sizes and certain bulk requirements for different types of development are indicated in this ~~Code~~ but other development standards shall be related to the subdivision regulations as stated in Title 16 "Subdivisions" of the Manitou Springs Municipal Code, as amended. The subdivision regulations shall be considered as minimum requirements for all development and may only be waived as provided for in the subdivision regulations.

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All new subdivisions or resubdivisions shall be submitted under the subdivision regulations and shall be accompanied by the request for planning permission outlined in **Chapter 18.14, Planning Permission**. Approval of a subdivision does not constitute planning permission for the development. Refer to the Application Process in **Chapter 18.80**.

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18.04.080 GENERAL INTENT

It is the intent of this Code, that all new buildings, developments, redevelopments, or similar changes in the use of land except as herein provided be considered as planned uses and shall be subject to the provisions of this Code. The City Planning Commission and City Council shall consider each development from the point of view of the relationship and compatibility of the development to the existing surrounding land use and the Comprehensive Plan. No development shall be approved that contains elements which, in the view of the Planning Department, City Planning Commission or, City Council, as applicable, cannot, for any reason, exist compatibly or provide an environment of lasting stability and quality.

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18.04.090 VESTING OF RIGHTS

Vesting of the property rights described in **Section 24-68-102(4)** of the Colorado Revised Statutes shall occur upon the approval by the City Planning Commission and City Council of the Development Agreement. However, if such Agreement is not signed within 30 days of approval by City Council, such approval shall then be void and the vested property rights shall automatically divest.

18.04.100 BOUNDARIES AND ZONING MAP

The provisions of this Code, shall apply within the corporate limits of the City of Manitou Springs, Colorado, as now or hereafter fixed. District boundaries are shown on a map, titled Manitou Springs Official Zoning Map. Said map shall be considered as a part of this Code. Where uncertainty exists as to boundaries the following rules shall apply:

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- A. The centerline of streets or alleys shall be construed as boundaries.
- B. Property lot lines shall be construed as boundaries.
- C. Railroad or State of public utility rights-of-way shall be construed as boundaries.

18.04.110 ADMINISTRATION AND JURISDICTION

The purposes of this part is to administratively separate the enforcement of this Zoning Code from the process of adopting legislative land use plans; to provide for an informal and efficient method of enforcing the requirements of this Code; and to provide information on, including descriptions about the applicable City review authorities. The Planning Director or designees shall administer this Code.

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A. CITY COUNCIL

Regarding this Zoning Code, the City Council shall be the final approval authority on all major applications per Chapter 18.80, Process; in addition, City Council is the final appeal authority of the City Planning Commission and Planning Staff, decisions.

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B. CITY PLANNING COMMISSION

1. Appointment: The City Planning Commission, is appointed by City Council, as described by the Municipal Code Chapter 2.20.

2. Function: It is the function of the City Planning Commission to serve as both an advisory board to the City Council on major planning issues throughout the City, and to act as final approval authority, on certain land use matters. All actions of the Commission are appealable to the City Council in conformance with Section 18.44.040, Appeals, and Chapter 18.80, Process. For these purposes, the City Planning Commission may engage in cooperative and joint planning programs with the planning agencies, officials, and representatives of other governmental units and with private agencies and organizations.

3. Jurisdiction:

i. The City Planning Commission shall have final jurisdiction over the matters described in Chapter 18.80, Process, unless appealed to City Council.

ii. The City Planning Commission shall provide recommendations to the City Council regarding applications specified in Chapter 18.80, Process.

C. PLANNING DEPARTMENT

1. Responsibilities: The Planning Department provides assistance to the public, City Planning Commission, Historic Preservation Commission, Open Space Advisory Committee, and City Council. The Planning Department is responsible for the functions and processes in Chapter 18.16, Administrative Review, and 18.80, Process.

2. Jurisdiction: The Director, or assigns, may make interpretations of this Code and impose conditions of approval in conjunction with any of the actions listed as administratively approved in Chapter 18.80, Process.

unless appealed to the City Planning Commission.

18.05 REZONING

18.05.010 REQUIREMENTS FOR CHANGE

Whenever the public necessity, safety, general welfare, or good zoning practice justifies such action and after consideration and recommendation by the City Planning Commission as provided herein, the City Council may change zone district boundaries, use groups or the regulations established by this Chapter after public hearing for which public notice is given. The following criteria shall be considered by the City Planning Commission and City Council in the review of all rezoning applications:

- A. Compliance with the Rainbow Vision (Comprehensive Plan) requirements;
- B. Compliance with all applicable statutory provisions;

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- C. Whether there has been a substantial change in the character of the neighborhood, since the land was last rezoned;
- D. Whether the rezoning will adversely impact the provision of public facilities and services;
- E. Whether the proposed rezoning is compatible with the surrounding land uses;
- F. Whether the subject land is suitable for the intended use.

18.05.020 INITIATION OF CHANGE

A proposed change of zone district boundaries or regulations may be initiated by the City Council, City Planning Commission, or by applicant of one or more of the owners of the property within the area requested to be changed.

18.05.030 AREA REQUIRED

Changes in the Zoning Map involving any zone district, except for Open Space, Parks and Public Facilities zones, requires that the area requested for rezoning abuts the existing zone district of the same general classification as that being requested on all or part of at least one side.

18.05.040 WRITTEN STATEMENT

All requests for changes in the Zoning Map must include a written statement outlining the reasons and intent of such a change.

18.05.050 FEES AND EXPENSES

All requests for changes to the Zoning Map, except those initiated by the City Council or City Planning Commission, shall be accompanied by a minimum fee as set forth by the published Fee Schedule, as amended, together with such other costs as are determined by the City to be reasonable.

18.05.55 PUBLIC NOTICE

Public notice, as specified in Section 18.44.020: A. Publication, B. Posting, C. Mailed Public Notification, is mandatory for all rezoning applications.

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18.05.060 HEARING AND RECOMMENDATION

The City Planning Commission shall recommend approval or disapproval, either in whole or in part, of a change initiated by an owner or owners of property within the area requested for rezoning. Recommendations for such changes shall be presented to the City Council, and an ordinance embodying such changes, in whole or in part, may be adopted by the City Council after public hearing. Public notice shall be given. In the event of adoption by the City of such changes in part, if such partial adoption has not been recommended as such by the City Planning Commission, a favorable vote of the majority of the Council membership shall be necessary.

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18.05.070 PROTEST AGAINST CHANGE

In case of protest against changes in regulations or restrictions, or changes in the zone district applicable to particular land, which protest is filed with the City Clerk at least twenty-four hours prior to the Council's vote on the change and is signed by the owners of twenty percent or more of the area of land extending a radius of one hundred feet from the land which is subject to the proposed change, disregarding intervening public rights-of-way, such changes shall not become effective except by the favorable vote of the majority of the Council membership.

18.05.080 REZONING PROCEDURES

The application process is identified in **Chapter 18.80, Process**.

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A. All requests for rezoning shall be submitted to the Planning Department with a completed application form, accompanied by the required fee and shall contain the following information:

1. The names and addresses of the owners of the property;
2. A legal description of the property;
3. Evidence ~~of mailed notification as specified in public notice requirements Section 18.44.020.C, ,~~
4. ~~A detailed explanation of the request for rezoning, including all reasons for the request, which addresses the criteria stated in Section 18.05.010.A-F, Requirements for Change;~~
5. Supporting documents and maps.
6. Fiscal and operational impacts of new development and use conversions, such as residential conversions to reduced or non-contributing tax base uses, shall be evaluated for the City's ability to provide and maintain services and infrastructure necessary to support such development. Uses that reduce the current tax base for the City or School District shall be reviewed with a project specific fiscal impact analysis as completed by the applicant.

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7. Citizen Participation Plan and Report, per Chapter 18.74.

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B. Upon receipt of a complete application for rezoning, the Planning Department shall retain the original application on file and will distribute copies of the application to the various reviewing entities for comments.

C. Upon receipt of a complete application for rezoning the Planning Department shall set the application for preliminary consideration at the next regular meeting of the City Planning Commission, which shall be at least fifteen (15) days hence. ~~Public notice~~ of the preliminary hearing and date thereof shall be sent, stating in summary the substance of said application.

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D. Copies of said application shall be distributed to all members of the Commission for preliminary study and examination. At the preliminary hearing the Commission shall consider said application, hear comments and objections, and request additional information or make preliminary recommendations. The matter shall be set for public hearing at the next regular or special meeting of the Commission.

E. At the public hearing, the City Planning Commission shall consider all submitted data, comments, and objections. The Commission shall either continue the matter for further information and study for not more than thirty (30) days or shall render its recommendation to the City Council for approval, disapproval or conditional approval of the application.

F. The City Clerk, upon receiving the recommendation of the City Planning Commission shall set the matter on the agenda of the City Council as identified in the published schedule. At such meeting the Council shall approve, approve with conditions, or disapprove the application for rezoning.

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G. No request for a rezoning shall be reconsidered by the City Planning Commission or City Council until the expiration of one year or a substantial change of circumstances shall have first occurred.

H. Upon approval of any request for rezoning, the Planning Department shall forthwith note the amendment on the official Zoning Map of the City of Manitou Springs, keep appropriate records thereof and notify the El Paso County Clerk and Recorder of said amendment of the official Zoning Map.

18.05.090 APPEAL

In the event that the application is denied by the City Council, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in Section 18.44.040, Appeals.

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18.06 GENERAL PROVISIONS

The General Provisions are intended for all Zone District categories, where applicable, and are required to meet the intent of the Zoning Code. Definitions are contained in **Chapter 18.60**. These provisions are applicable to all zone districts within the City of Manitou Springs.

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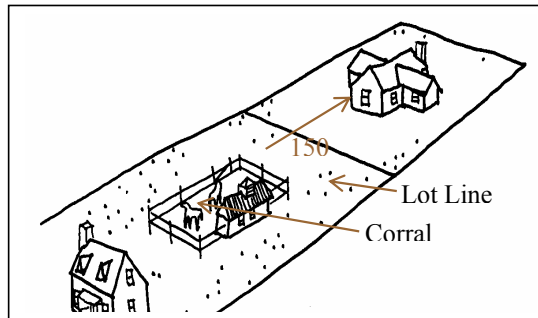
A. At no cost to the City, all new or expanded development shall connect to the Manitou Springs municipal water and wastewater systems, and the Colorado Springs Utilities gas and electrical systems.

B. All public distribution and private service lines shall be placed underground, including telephone and cable television. Distribution or private service lines not located within rights-of-way and in areas of 30% or greater slopes shall be bored.

C. Any application under any zone shall comply with the Manitou Springs Subdivision Regulations, as amended.

D. All new access (streets and driveways), shall be paved and in accordance with International Fire Code (IFC), as amended. Upgrading of existing roads to new sites to IFC, as amended, may be required.

E. Private Stables: In the GR and LDR zones, private stables for equine animal(s) are allowed under the following conditions: a minimum of one acre (43,560 sq. ft.) of ground per animal and a setback of at least one-hundred-fifty feet (150') from any building occupied as a residence or used for human habitation, other than the animal's owner or landowner's residence. (Does not apply to private stables in use prior to November 15, 1978. See Ordinance #1878.)



F. Temporary Construction and Sales Office - one temporary construction and sales office shall be allowed providing this use is conducted within a permitted principal use structure within a subdivision for purposes of initial real estate development therein and shall be allowed in all residential zone districts. Uses shall be limited to a two (2) year period unless otherwise

authorized, and said use shall be conducted in a manner which conforms to all requirements of the zone.

- G. Legally platted, undersized lots may be developed according to the provisions of the zone district within which they are located. If a Variance from any zoning provision is sought, a lot size/density variance will be required.
- H. Home Occupations are permitted within all residential zone districts, and within all approved dwelling units within the Downtown or Commercial zones provided they meet the intent and criteria established within this Code, **Chapter 18.40, Home Occupations**.
- I. The maximum density is not guaranteed and relies on the availability of services, topography, preservation of environmental and/or historic features, available access, and surrounding neighborhood character for appropriate density.
- J. Conditional Uses (subject to the granting of Planning Permission by the City Council and compliance with the conditions required) are allowed in all zones unless otherwise indicated.
- K. Unless specifically allowed in each zone district each new land use or change in land use shall be considered a Conditional Use and regulated by **Chapter 18.30, Conditional Use Requirements and Procedures**, of this code. However, any use not specifically listed as a permitted use, but similar in nature to a listed permitted use, upon request by the applicant, may be referred to the City Planning Commission for its interpretation of whether the use is permitted.
- L. The design and location of any structure or number of structures on any lot or lots should be in accordance with the physical setting of the surrounding area. In addition, the existing character of the surrounding area and of Manitou Springs as a whole should be considered in the design. Strict attention should be paid to environmental considerations and topsoil should not be unduly disturbed, trees should be preserved as much as possible, and natural watercourses should not be encroached upon.
- M. No building structure, or land shall be occupied, built, used, erected, moved, or structurally altered unless in conformity with this code.
- N. All signs shall conform to **Chapter 15.16 “Signs”** of the Manitou Springs Municipal Code, as amended.
- O. Development within all Zone districts should be designed to create and/or strengthen neighborhoods in terms of scale and identity and with adequate school capacity; access to parks and downtown retail; pedestrian, bicycle, and automobile circulation that includes connections between, and to, other City neighborhoods and community facilities. The design of these neighborhoods shall preserve open space and promote a layout that is sensitive to the natural land features, including, but not limited to, preservation of natural landforms, view corridors, historic sites, wildlife corridors, community trails, and other valuable features, in accordance with the intent of the Manitou Springs Open Space Plan, the Historic District Design Guidelines, and Rainbow Vision Plan. All development within the Historic District shall abide by the requirements of the Manitou Springs Design Guidelines, unless the property was previously opted out and exempt from the locally defined Historic District guidelines.

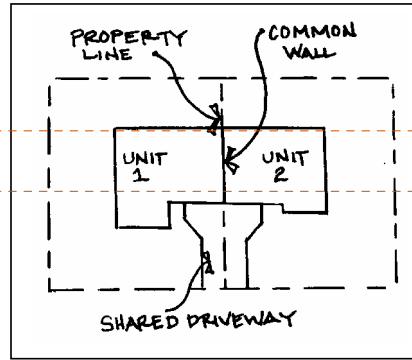
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P. Residential Development

1. Townhome development is exempt from the minimum lot size and internal setback requirements, but must meet the density and external setback requirements stated in **Chapter 18.64 Development and Parking Standards Tables**.



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2. Multi-family, duplex units shall be connected by a minimum of 10 feet of building wall.
3. Units with a common wall are exempt from the internal side setback requirement, only with the provision that the structure does not cross an easement and access is provided by a common or shared driveway for at least every two units.

Q. No land uses shall be unlawful, noxious or offensive due to the emission of dust, objectionable odor, light, smoke, gas, fumes, noise, or vibrations, or a hazard to the health and/or property of the surrounding area. All uses shall be conducted in enclosed buildings except where specifically allowed, and no building or land shall be used for anything other than the permitted use.

R. All development within the Historic District shall abide by the requirements of the Design Guidelines, unless exempt from the provisions of the Historic Preservation regulation per **Section 17.04.120** of the Manitou Springs Municipal Code.

S. Adequate floodplain avoidance and/or mitigation (sensitively designed) is required and shall be reviewed by the Regional Floodplain Engineer.

T. Adequate facilities, such as IFC-compliant roads and CDOT-compliant access (as applicable); centralized public utilities, and emergency services shall be available to serve the development. Development should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

18.08 SPECIFIC ZONE DESIGNATIONS

Zoning allows for the orderly growth of communities through the designation of areas for each type of development such as residential and commercial. All types of activity are essential to the economy of an area, and yet it is not desirable for the enterprises which produce odors, noise, dust or smoke to be located in the midst of a heavily populated residential districts. Zoning allows adequate areas for all activities while maintaining property values through the designation of specific sections of the community for each general type of use. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of infrastructure or services, such as school bus, emergency services, road construction/maintenance, or public utilities.

For the purpose of this ~~Code~~, all land within the present or future City limits of Manitou Springs is declared to be in one of the zone districts described below. These districts are as described in the

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City's Comprehensive Plan and are intended to regulate the type of development to occur within the City limits.

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18.08.010 HIGH-DENSITY RESIDENTIAL

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A. PURPOSE

To provide areas for a variety of attached single-family (townhomes) or multi-family (apartments, condominiums) housing types, designed in a manner to create livable space, protected from incompatible land uses and hazardous conditions, and buffered from industrial/negative uses or impacts. This zone district shall be encouraged for redevelopment opportunities at high traffic areas, particularly near Commercial uses along routes served by public transit.

B. PERMITTED USES IN THE HIGH-DENSITY RESIDENTIAL ZONE

- o Attached single-family (townhomes) or multi-family (apartments, condominiums) housing types, including accessory structures.

C. APPROVAL STANDARDS IN THE HIGH-DENSITY RESIDENTIAL ZONE

- o Refer to **Chapter 18.64** Development and Parking Standards [Tables](#).

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18.08.020 GENERAL RESIDENTIAL

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A. PURPOSE

To provide areas for a variety of detached and attached single-family and/or multi-family housing types designed in a manner to create livable space in the more urban and historic setting, that is protected from incompatible land uses and hazardous conditions, and buffered from industrial/negative uses or impacts.

B. PERMITTED USES IN THE GENERAL RESIDENTIAL ZONE

1. Single family detached and attached, multi-family units, including accessory structures.
2. Private residential parking or garage serving an adjacent residential unit(s) under common ownership and with a deed restriction or easement linking the two properties.

C. APPROVAL STANDARDS IN THE GENERAL RESIDENTIAL ZONE

- o Refer to **Chapter 18.64** Development and Parking Standards [Tables](#).

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18.08.030 LOW-DENSITY RESIDENTIAL

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A. PURPOSE

The Low-Density Residential Zone is characterized by a variety of single-family, detached housing types that enhance the basic elements of a balanced residential area. Development in this zone district should be designed in a manner to create livable space in a suburban setting, that is protected from incompatible land uses and hazardous conditions, and buffered from commercial or industrial use, or other negative uses or impacts.

B. PERMITTED USES IN THE LOW-DENSITY RESIDENTIAL ZONE

- Detached single-family residences, including accessory structures.

C. APPROVAL STANDARDS IN THE LOW-DENSITY RESIDENTIAL ZONE

- Refer to **Chapter 18.64** Development and Parking Standards Tables.

18.08.040 HILLSIDE LOW DENSITY RESIDENTIAL

A. PURPOSE

This zone is established to enable and encourage flexibility of single-family design and emphasizes cluster development of hillside land in a manner that promotes the most appropriate use of the land; protects ridgelines and steep slopes, wildlife habitat, and other environmental features; facilitates the adequate and economical provision of streets and utilities; facilitates the provision of emergency services and daily access and maintenance; and preserves the natural and scenic quality of Manitou Springs as supported by the Manitou Springs Open Space Master Plan. The protection of key attributes such as: topography, vegetation, wildlife corridors, previously undisturbed scenic areas, and ridgelines of a site is a primary goal in this district. Avoidance of areas of environmental, geological, historical, and/or visual value is required. The developed portions of a site should be contiguous with other, existing development within the City; access should be achieved from existing roads; utilities should be provided from existing easements.

B. PERMITTED USES IN THE HILLSIDE LOW-DENSITY RESIDENTIAL ZONE

- Detached single-family residences, including accessory structures.

C. APPROVAL STANDARDS IN THE HILLSIDE LOW DENSITY RESIDENTIAL ZONE

Refer to **Chapter 18.64** Development and Parking Standards Tables.

1. The highest, most visible portions of sites, along with the least accessible areas of sites, shall be preserved in a form acceptable to the City, i.e. no-build area, dedication to the City, or other means of preservation or conservation.
2. Hillside land with unstable slopes and other surface problems shall identified, and mitigation of these conditions reflected on the final site plan. Solutions to geologic/soils issues shall not involve significant cutting and filling, wall building, or other constructed solutions that negatively impact the natural appearance of the site. Grading and "cut and fill" operations shall be minimized.
3. The inaccessibility of the area shall be minimized in order to mitigate the danger to life and property from natural disasters, fires and other emergencies. The placement of driveways and utilities shall minimize cut and fill and scarring of the natural landscape. Driveway locations and utility locations shall be shown on all site plans. Grading plans shall also be provided for review and approval.
4. Ridgelines, prominent geologic features and significant areas of vegetation shall be identified and inventoried through best management practices prior to incorporating features into site planning. Include significant natural features that contribute to the attractiveness of the community such as ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, clean air, natural drainage ways, and wildlife habitats.

5. Siting of residences and accessory structures on flat land where ridgelines and hilltops are protected is encouraged.
6. Water runoff shall not exceed historical flow and soil erosion shall be mitigated for and minimized.
7. Development of the area to its fullest potential consistent with the Comprehensive Plan is allowed. However, to assure densities which are compatible with the natural systems and terrain of the hillside area the maximum density is not guaranteed and relies on the availability of services, topography and access, and surrounding neighborhood character for appropriate design and density.
8. The taxpayers of Manitou Springs shall not be burdened by extraordinary costs for services attributable solely to the development of hillside areas.
9. Frontage upon an existing accepted and maintained Public Street, or a new street that conforms to the City standards and is accepted and maintained by the City, is required.
10. Distance of less than 500 feet (measured by line length) from an operational fire hydrant that can provide minimum fire flows per the IFC, is required.
11. A land survey prepared by a registered land surveyor shall be recorded prior to issuance of a building permit.
12. Public water service at a pressure and quantity that complies with appropriate City Ordinances is required.
13. Public wastewater service shall comply with City Ordinances.

D. HILLSIDE LOW-DENSITY RESIDENTIAL DEVELOPMENT REQUIREMENTS

1. Clustered Development

The purpose of Clustered Development is to provide an alternative voluntary, method of land division that encourages the clustering of single-family residential dwellings. Clustered Development may include a density bonus with the maximum allowance to be established during the development review. Clustering strives to maintain and enhance the mountain character by protecting, preserving and conserving existing wildlife habitats, environmentally sensitive landscape, scenic corridors and viewsapes. This development process aims to reduce infrastructure costs and impacts emanating from traditional large-lot development by providing greater flexibility and efficiency in the siting and design of services and infrastructure. Opportunities to reduce the risk and threat of danger to life and property by avoiding development in natural hazard areas can be achieved while simultaneously preserving and conserving water resources. Minimized site disturbance aims to protect historic and cultural resources by preserving and conserving historical buildings and structures and historical or cultural sites and landscapes.

Until future development of specific provisions for Cluster Development are evaluated and adopted, clustering proposals will be reviewed and approved under a Major or Minor Development Plan.

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2. Minimum Lot Size - Allowable lot size for traditional development (as opposed to Clustered Development), shall be based on the average percent of slope defined as follows:

Average Percent of Slope shall mean the percent of slope as computed by the following formula

$$S = \frac{100 IL}{A}$$

Where S = average percent of slope

I = contour interval in feet

L = summation of length of all contour lines in feet

A = area in square feet of parcel being considered

3. Refer to **Chapter 18.64** Development and Parking Standards Tables for HLDR Lot Size Calculation Requirements.

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4. Merger of contiguous undersized lots: Contiguous parcels under one ownership, not including parcels separated by existing improved streets, which do not conform to the minimum lot size requirement hereunder, shall merge to provide lots necessary to satisfy the minimum lot size provided herein. This provision also applies to contiguous parcels under one ownership where a lot is developed.

Merger shall occur whether such contiguous parcels were under one ownership at the date of adoption of the ~~HLDR regulations (June 9, 1982)~~, or come under one ownership any time thereafter.

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E. HILLSIDE LOW-DENSITY RESIDENTIAL PROCEDURES

1. Lots Complying with Development Requirements (**Section 18.08.040.D**)

In the case of lots and proposed structures complying with the development requirements of the approved standards in **Chapter 18.64**, Development and Parking Standards, and **Chapter 18.76**, HLDR Development Plan, shall be reviewed by the Planning Department for conformance with approved City plans, plats, policies, resolutions and ordinances. If the Development Plan is found by the Planning Department to be in conformance with the state requirements, it shall be approved. If the Development Plan is found by the Planning Department not to be in conformance with the stated requirements, it shall be denied and the applicant notified of the areas of inconsistency and changes required.

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2. Lots Not Complying with Development Requirements (**Section 18.08.040.D**)

In the case of lots and proposed structures not in compliance with the development requirements herein, the HLDR Development Plan shall be submitted to the City Planning Commission and City Council for review and final approval. All public notification requirements applicable to **Chapter 18.32**, Variances, shall be followed in such cases.

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18.08.050 DOWNTOWN**A. PURPOSE**

The Downtown Zone is characterized by historic buildings and generally corresponds to the Manitou Springs National and local Historic Preservation Districts. The Local Historic District is guided by the Design Guidelines in order to foster the preservation of valuable historic structures and character. Development in this zone is different from the Commercial zone through the adaptive reuse, preservation, and/or conservation of historic buildings; the strict use of historic architectural features and characteristics for infill development; zero lot line setbacks; and urban design features, such as period lighting and absence of the typical suburban-style landscaping. Commercial buildings situated in an appropriately designed, historic setting with landscaped and screened off-street parking areas characterize the Downtown district. Site improvements, including landscaping and lighting, shall be provided and designed to minimize the impact on adjacent residential uses and blend into the character of the Historic District.

This zone serves the residents of the City through the provision of shops, services, restaurants, and civic facilities. It additionally serves year-round tourists with entertainment facilities (family tourism based activities, such as galleries, health spas, shops, restaurants, and museums) and strengthens the economy of the City, by providing employment and economic opportunities. This zone achieves an overall design and aesthetic consistency, based on the Manitou Springs Historic District Guidelines and preservation of historic structures and land use patterns. Downtown development shall be located and designed so as to minimize conflicts with adjacent residential areas, floodplains, view corridors, and access to public parks.

B. PERMITTED USES IN THE DOWNTOWN ZONE

The following specific uses shall be allowed in the Downtown Zone without requiring review by the City Planning Commission and approval of City Council:

1. Art Gallery or Studio
2. Antique Shop
3. Photographic Gallery or Studio
4. Bakery or Pastry Shop
5. Bank or other Financial Lending Institution (NOT including drive up facilities)
6. Barber or Beauty Shop
7. Book or Stationary Store
8. Camera Shop (service, supplies, equipment)
9. Candy or confectionery store
10. Clothing or ready to wear store
11. Copy Center
12. Dancing Academy
13. Delicatessen
14. Drugstore
15. Dry cleaning or laundry (collection office only)
16. Electronic and small appliance sales and repair
17. Employment Agency
18. Fitness Center (small, limited hours and facilities)
19. Florist Shop
20. Gift Shop
21. Grocery or specialty foods market

22. Hardware store
23. Hobby or toy store
24. Hotel
25. Jewelry store
26. Liquor store
27. Library or museum
28. Locksmith shop
29. Medical/Dental offices (including alternative health providers)
30. Music or Video store
31. Newsstand
32. Offices
33. Paint or wallpaper store
34. Restaurant or Café
35. Shoe sales and repair
36. Sporting goods store
37. Tobacco shops
38. Indoor Theater
39. Fabric/Upholstery sales
40. Residential above the first floor, or on the ground floor if the residential use is at the rear of the commercial space, not adjacent to any public access point, and above the 100-year flood elevation.

C. APPROVAL STANDARDS IN THE DOWNTOWN ZONE

- Refer to **Chapter 18.64** Development and Parking Standards [Tables](#).

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18.08.060 COMMERCIAL

A. PURPOSE

Buildings situated in an appropriately designed setting with landscaped and screened off-street parking areas characterize the Commercial zone. This zone is meant to provide a full range of commercial, office and service uses in balance with other uses within the City. These uses are an integral part of the City's ability to provide essential and regionally oriented services, tourism-related businesses, and employment opportunities. The uses associated with the Commercial zone may be urban in character with groupings of retail, wholesale, and commercial establishments generally oriented towards Manitou Avenue. Commercial zoned uses may be located in modern buildings, adaptively reuse existing buildings, or redeveloped non-historic sites for a variety of uses and services with the maximum economic benefit to the City.

Commercial development shall be located and designed so as to minimize conflicts with adjacent residential and historic areas, floodplains, steep slopes, view corridors, wildlife habitats, and environmentally and visually sensitive areas. Minimal assembly or manufacturing activities shall be allowed; however, shall be contained inside or behind buildings so as not to be visible from adjacent public rights-of-way or adjacent residential uses.

B. PERMITTED USES IN THE COMMERCIAL ZONE

The following specific uses shall be allowed in the Commercial Zone without requiring review by the [City](#) Planning Commission and approval of City Council:

1. All uses allowed as permitted uses in the Downtown Zone

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2. Ambulance Service Business
3. Appliance Sales involving assembly of appliances from previously prepared parts
4. Bank or other Financial Lending Institutions including Drive-up Facilities
5. Carpentry or woodworking shop
6. Dry cleaning establishment using only nonflammable materials and not employing more than four (4) persons in addition to one owner/manager on the premises.
7. Funeral parlor
8. Home improvement center
9. Motel
10. Private school
11. Service station, alone or with car wash
12. Small animal hospital (soundproofed and no outside runs)
13. Launderette (self service)
14. Health Club or Fitness Center (full-service and hours)
15. Medical/Dental Clinic (including alternative health providers)
16. Convenience Store
17. Child Care Center
18. Bar or Lounge
19. Religious use facilities (subject to provision of required off-street parking).

C. APPROVAL STANDARDS IN THE COMMERCIAL ZONE

- Refer to **Chapter 18.64** Development and Parking Standards Tables.

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18.08.070 OPEN SPACE

A. PURPOSE

The Open Space zone provides for areas intentionally left free from development for the preservation of natural resources, including forest lands, wildlife corridors/habitats, unique biological, physical, topographical, or botanical areas, scenic view sheds; cultural, historic, and archaeological resources. These areas shall provide buffers between the City and surrounding El Paso County in order to protect the City's mountain backdrop and unique character, and shall provide preservation of unique areas within existing neighborhoods.

These areas may represent diverse types of land and possess varied physical and geographical conditions and are important physical, environmental, social, aesthetic and economic resources, which should be protected. The preservation of open space will complement public parks provided by the City and also protect the surrounding mountain backdrop that gives the City its unique character. This character supports the conservation values and significant tourism industry that the City thrives on.

This district is established to encourage the preservation and restoration of open lands in Manitou Springs for the protection of the flora and fauna in their natural state, for the passive recreational use by citizens of the City, and to accomplish the following:

1. To enable applicable lands under City ownership acquired by donation or purchase to be rezoned Open Space.
2. To enable owners to petition to rezone land as Open Space.

B. PERMITTED USES IN THE OPEN SPACE ZONE

Allowed uses include undeveloped natural land, passive outdoor recreation (trails and trailheads, picnic area, scenic overlook, etc.) that do not require infrastructure such as roads or utility services and other uses as approved in an Open Space Management Plan. This zone district is not the same as active parks, playgrounds, ball fields or other recreational facilities.

C. APPROVAL STANDARDS FOR THE OPEN SPACE ZONE

1. Refer to **Chapter 18.64** Development and Parking Standards ~~Tables~~.
2. Access to trailheads shall be constructed in accordance with IFC, as amended.
3. Buildings are limited to public facilities such as trailhead shelters and restrooms.
4. For public trails, limited (10 spaces maximum) parking for trailheads is allowed, with an approved Open Space Management Plan. All parking areas over 5,000 square feet shall be required to have on-site water quality and detention. These facilities shall be designed in a manner to minimize cut and fill and removal of vegetation and reduce impervious surfaces.
5. No lighting or signage is allowed, other than trail information and trail markers.
6. An entity responsible for maintenance of (trash removal, forestry management, parking lot maintenance, etc.), and all associated taxes for, the Open Space shall be identified in either the Open Space Management Plan or the Dedication Statement, which ever is applicable.

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D. OPEN SPACE REZONING PROCEDURES

1. All rezoning shall be in accordance with City Ordinances and additionally shall consider the recommendations of the Open Space Advisory Committee.
2. Any request to rezone to Open Space shall be considered as a request initiated by the City Council or City Planning Commission. The applicant shall have the assistance of the City to prepare the request and no fees shall be assessed.
3. Rezoning shall occur after approval by the City and agreement by the owner to retain the property as Open Space in perpetuity in exchange for receipt of a yearly incentive award from the city in the amount of the City's portion of the property taxes paid each year for said land.

The incentive award shall become effective upon recordation of a deed restriction restricting the owners, heirs and assigns to use the property only as permitted under the Open Space zone. Alternatively, the owner may record a perpetual conservation easement over the designated land in favor of the City upon approval by the City. All surface, mining and water rights shall be conveyed by deed restriction or easement unless mutually agreed to otherwise by both parties.

4. Criteria for rezoning shall be the approval of an Open Space Management Plan for such land by the City.

E. OPEN SPACE MANAGEMENT PLAN

1. An Open Space Management plan shall be submitted meeting the criteria established by the City Planning Department.
2. No lands shall be disturbed until the City approves the Open Space Management Plan. Appropriate performance bonds or letters of credit may be required.
3. The Open Space Management Plan shall include site-specific measures for restoration and revegetation of any affected areas.
4. No development, construction or any other improvements shall be permitted without Open Space Management Plan approval except the following:
 - a. All trails shall be in accordance with the City's Open Space Master Plan.
 - b. All construction and/or improvements in public utility easements shall require an approved Open Space Management Plan except for cases of City designated emergency.
 - c. All fire breaks or other wildfire suppression measures shall require an approved Open Space Management Plan except for cases of emergency.

18.08.080 PARK

A. PURPOSE

The Parks zone is intended for land set aside for use as public recreation. These parks may include playground equipment, athletic fields, tennis courts, swimming pools, and other facilities and programmed activities normally associated with public parks. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation or significant natural or historic resources.

B. PERMITTED USES IN THE PARK ZONE

1. Permanent public land uses and uses of a similar nature are permitted in these areas on the approval of City Council, after hearing recommendations by the City Planning Commission.
2. Public Parks and Recreation Facilities
3. Farmers Markets, Art Fairs and Special Events and other such temporary uses as approved by the City.

C. APPROVAL STANDARDS

1. Refer to **Chapter 18.64** Development and Parking Standards Tables.
2. Approval of permanent public land uses require a determination that a public need exists and the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of this zone. A development plan shall be approved before any building permits may be issued or before construction may begin.

3. Approval of temporary land uses require that the proposed activities meet any criteria and policies established by the City Council and all required permits are obtained and fees paid.

18.08.090 PUBLIC FACILITIES

A. PURPOSE

The public facilities zone district is provided for land which is used or being reserved for a governmental purpose by the City of Manitou Springs, El Paso County, the State of Colorado, the Federal government or a public utility. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. The term, public facility, may be used to describe the existing or future use or the character of the ownership of the land. For the purpose of this ~~Section~~, utility transmission, distribution or collection line rights-of-way or easements and drainage rights-of-way or easements are not required to be designated as public facilities.

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B. PERMITTED USES IN THE PUBLIC FACILITIES ZONE

1. Public Schools
2. Public Libraries
3. Municipal Government Offices
4. Police Facilities
5. Fire Facilities
6. Public Services Facilities
7. Post Offices
8. County, State and Federal Government Offices
9. Public University Campus
10. Municipal Cemeteries
11. Municipal Parking Facilities
12. Public Utility Facilities

C. APPROVAL STANDARDS IN THE PUBLIC FACILITIES ZONE

1. Refer to ~~Chapter 18.64~~ Development and Parking Standards ~~Tables~~.
2. Approval of the request requires a determination that a public need exists and the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of the zone district. A development plan shall be approved before any building permits may be issued or before construction of any public facility or utility may begin.

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18.10 DEVELOPMENT STANDARDS

The Table 2 in ~~Chapter 18.64~~, Development and Parking Standards, lists the development standards for the residential, commercial, downtown, and special purpose districts. These standards include the minimum and maximum lot area, minimum lot width, maximum building height, minimum building setbacks, and maximum lot coverage. Other site development standards relating to items such as landscaping, parking, signs, fences, lighting, and preservation areas and exceptions relating to building height, lot area, lot width, and setbacks apply to development in the zones contained herein.

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18.12 DESIGN OF STRUCTURES

This ~~Section is reserved for future requirements for miscellaneous site items such as accessory structures, garages, sheds, fences, retaining walls, roofs, reflectivity, etc.~~

18.14 PLANNING PERMISSION

Before any parcel of land is developed, prepared for development, or the use thereof changed, or any structural alteration made to an existing structure, permission shall be obtained from the City of Manitou Springs. Whenever planning permission has been granted for a single-family residential lot or group of lots, any subsequent purchasers may develop a single family dwelling without obtaining planning permission, or further recourse to the ~~City Planning Commission or City Council, unless a variance, or other process as prescribed by this Code,~~ is requested.

The conversion of a single family residence to a multifamily residence shall be considered either an Administrative Review, Minor Development or Major development, depending upon the number of proposed dwelling units, and shall require planning permission.

18.16 ADMINISTRATIVE REVIEW

Before undertaking any activity defined under Administrative Review the property owner or his agent shall seek Administrative Review approval from the Planning Department.

18.16.010 ADMINISTRATIVE APPLICATIONS

~~The Planning Director, or designee of the planning director, shall make the final decision for all building permit and grading permit applications.~~

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~~Unless otherwise noted,~~ the submittal requirements for Administrative Review are as follows:

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~~A. A narrative as described in Chapter 18.72, Major Development Plan.~~

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~~B. A site plan, drawn to scale, with north arrow which illustrates property boundaries and lot lines, adjacent rights-of-way, proposed or existing points of access, setback dimensions and all existing or proposed improvements. The base document for any site plan shall be stated on the plan and a copy of such base document provided to the City.~~

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~~In addition, information regarding landscaping, lighting, parking and drive aisles, grading, signage, building elevations and a building materials description shall also be provided. If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required.~~

~~C. BUILDING PERMIT APPLICATIONS~~

~~It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension, or moving of any building, structure or any portion thereof, without first having applied in writing to the Planning Department and the Regional Building Department for a permit to do so and until a permit has been granted therefore. Unless construction is begun within a period of six (6) months from the date of approval, such approval shall expire unless good cause can be shown to the Planning Director that the building permit should not expire. In the event that good cause is shown, the Planning Director may extend the permit for up to one, three (3) month period. This expiration period shall not apply if it is otherwise specified by a development agreement approved by the City Council.~~

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<#>ADMINISTRATIVE APPLICATIONS¶
The Planning Director, or assigns, shall make the final decision for the following applications:¶

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D. GRADING PERMITSGrading permits are required as described in **Chapter 18.68**, Grading Permit, of this Code.**Deleted:** Ordinance 1405 Attachment A**Deleted:** -**Deleted:** July**Deleted:** B**Formatted****Deleted:** ordinance**Deleted:** In addition, information regarding landscaping, lighting, parking and drive aisles, grading, signage, building elevations and a building materials description shall also be provided. If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required.¶**Deleted:** p**Deleted:** commission**Deleted:** p**Deleted:** c**Deleted:** planning**Deleted:** c**18.20 CONCEPT PLAN****18.20.010 SUBMITTAL**The developer shall submit, after preliminary consultation with the Planning Staff, a concept plan delineating the basic land use, circulation, open space and other patterns.**18.20.020 REVIEW**A. The City Planning Commission shall not recommend the approval of any concept plan until all agencies, which normally comment on a preliminary plat, have had a chance to review and comment on the plan.B. Such review and comment shall be processed between the meeting at which the plan was presented and the next regular meeting. The City Planning Commission shall act on the concept plan at its next regular meeting and shall make its recommendations to the City Council who shall act on the recommendations as soon as practical.**18.20.030 LIMITATIONS ON APPROVAL**

Approval of the concept plan does not constitute waiver of any required development or subdivision process, even though some design standards and requirements may be waived.

18.20.040 PUBLIC NOTICEPublic notice, as specified in **Section 18.44.020**: A. Publication, B. Posting, C. Mailed Public Notification shall be provided for all Concept Plan applications.**Deleted:** i**Formatted****18.16.20 APPEAL**In the event that the **application** is denied by the City Planning Commission, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in **Section 18.44.040**, Appeals.**Deleted:****Deleted:** City 4**Deleted:** 3**Formatted****Formatted****Deleted:** A**Formatted****18.24 MINOR DEVELOPMENT PROCEDURES (see Chapter 18.72)****18.24.010** Before undertaking any activity defined as a Minor Development, as described in **Chapter 18.60**, Definitions, the property owner or his agent shall seek Minor Development approval from the City Planning Commission. The submittal requirements for a Minor Development Plan shall consist of the Major Development Plan requirements identified in **Section 18.26.020** as noted by asterisk (*). If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required.**18.24.020 PRE-APPLICATION MEETING**A pre-application meeting shall be held with the City Planner in order for the applicant to:

A. Become acquainted with the **Minor Development** requirements and other related City requirements; and

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B. Obtain a checklist of what the application shall include plus additional documentation that may be required as set forth in: **Chapter 18.08**, Specific Zone Designations; **Chapter 18.14**, Planning Permission; **Chapter 18.72**, Major Development Plan; and **Chapter 18.74**, Citizen Participation Plan and Report.

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18.24.030 Planning permission shall be requested in writing well in advance of the City Planning Commission meeting and in accordance with the City Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the City Planning Commission agenda for public hearing approximately 60 days from the date of submittal. After consideration of staff, professional/technical, agency and public comment, the City Planning Commission will take final action on the request by approving, with or without conditions, by partially approving/denying the request or by denying the request. If the City Planning Commission is in need of additional information upon which to make a final decision, it may postpone the request and require that the applicant submit additional information.

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18.24.040 Once planning permission is approved, the applicant shall be so notified, in writing, within seven (7) days of approval. The approval must be submitted with any application for a grading or building permit.

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Deleted: In the event that permission is denied by the Planning Commission, or conditionally given, and the applicant wishes to appeal the ruling, he may seek relief from the City Council at one of its regularly scheduled meetings, with appropriate notice of the hearing in the local newspaper, and payment of any cost of publication.

18.24.050 PUBLIC NOTICE

Public notice, as specified in **Section 18.44.020**: A. Publication, B. Posting, C. Mailed Public Notification, shall be provided for all Minor Development applications.

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18.24.060 APPEAL

In the event that the application is denied by the City Planning Commission, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in **Section 18.44.040**, Appeals.

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18.26 MAJOR DEVELOPMENT PROCEDURES (see Chapter 18.72)

A. Permission to conduct a major development shall be sought from the City Council, who shall consider the recommendation of the City Planning Commission before the issuance for a grading or building permit. Planning permission may be sought concurrently with the approval of the preliminary plat as per the subdivision regulations, as appropriate.

B. Major developments shall be as defined in **Chapter 18.60** Definitions.

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C. A Major Development Plan (MDP) shall be required to conduct any of the foregoing major development activities.

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18.26.010 PURPOSE AND INTENT OF THE MAJOR DEVELOPMENT PLAN

The purpose of the MDP is to provide for successful development that economically benefits the community and is in harmony with the character of the community and its environment. The intent is to ensure that the development is in conformance with the Comprehensive Plan, the Open Space Plan, the Historic Preservation Ordinance and Design Guidelines (as applicable), and the Zoning, Sign and Subdivision ~~Codes~~. The intent of the MDP is to provide for the enhancement of the City's socioeconomic fabric through sensitive site and building design, and to ensure that landscape and hardscape environments are attractive and in balance with the overall bulk and massing of building architecture. The desire is that successful community design and development will help provide improvements and services to and meet the needs of residents, workers, business owners and visitors alike, and positively influence property values while ensuring compatibility with the community and adjacent uses.

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18.26.020 COMPONENTS OF THE MAJOR DEVELOPMENT PLAN

The MDP shall be defined as a set of detailed plans and associated information as described in **Chapter 18.72, Major Development Plan**, which shall contain the following, less those items waived by staff in writing:

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1. A narrative;*

The following plans and exhibits:

2. Site plan (with a colored site plan for public hearings);*
3. Building details;*
4. A phasing plan/schedule for completing the development, if the proposal will be developed over more than one (1) year or more than one (1) phase;*
5. Landscape plan;*
6. Lighting plan, if exterior lighting is either proposed or required;*
7. Drainage plan and report;*
8. Grading and erosion control plan;*
9. Parking plan;*
10. Public improvements plan;*
11. Visibility impact analysis;*
12. Traffic study and plan;
13. Geologic hazards plan and report;
14. An environmental and fiscal impact report;
15. Parks, trails and open space report, ~~and~~
16. **Citizen Participation Plan and Report ***

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If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required. The Planning Department may require that an independent, outside consultant may be retained, at the applicant's expense, to perform the required studies and/or review such studies when performed by the applicant.

18.26.30 PRE-APPLICATION MEETING

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Prior to submittal of the MDP, the applicant shall attend a pre-submittal meeting with Planning Staff to review the submittal requirements and procedures, unless the Planning Director or designate waives the pre-submittal meeting in writing. The applicant at the pre-submittal meeting shall provide the following:

- A. Existing zoning and use of the site and adjacent zoning and land uses

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- B. Conceptual site layout
- C. Existing and proposed access locations
- D. Existing contours and proposed grades (FIMS data may be used)
- E. Vicinity map
- F. Conceptual building exterior elevations

If any of the MDP submittal or pre-submittal material has been previously submitted as part of the subdivision procedure under the City Subdivision Regulation Regulations, the items so submitted may be deleted from the list by Planning Staff, who shall determine the final MDP submittal requirements and so notify the applicant in writing.

18.26.040 SUBMITTAL REQUIREMENTS

Planning permission shall be requested in writing well in advance of the City Planning Commission meeting and in accordance with the City Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the City Planning Commission agenda for public hearing approximately 60 days from the date of submittal. The Major Development Plan shall conform to the submittal requirements of this Section and in **Chapter 18.72, Major Development Plan**, unless otherwise waived by the Planning staff. The MDP shall be submitted in one (1) 11" X 17" reproducible copy and five (5) 24"x 36" copies unless more copies are required and requested by staff. Upon submittal of the MDP, staff shall determine the adequacy of the submittal and set the MDP for City Planning Commission review. The application shall be accompanied by a fee as set by the Fee Schedule, as amended, to cover the costs of staff review, investigation and advertising.

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18.26.050 STAFF REVIEW AND RECOMMENDATION

After receipt of the MDP application, staff shall review the application using the criteria contained in this Section and **Chapter 18.72, Major Development Plan**, and make a recommendation to the City Planning Commission to:

- A. Recommend approval;
- B. Recommend approval with conditions;
- C. Recommend postponement to a future City Planning Commission meeting to receive and review additional information from the applicant or from referral agencies; or
- D. Recommend denial and identify revisions necessary to enable staff to recommend approval.

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 Notice shall be given, by the City, in the local newspaper of the request for approval of a MDP, at least 10 days prior to the hearing on the request. Notice shall include a location map indicating the location of the proposal and a brief summary of the proposed use. Notice of public hearing will also be provided on-site in conformance with the above standards.
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18.26.060 MDP APPROVAL CRITERIA

The Major Development Plan may be recommended for approval by the City Planning Commission and approved by the City Council subject to the following conditions:

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The MDP shall be:

- A. In compliance with the Manitou Springs Rainbow Visions Plan.
- B. In compliance with the water, sewer and fire protection requirements detailed in the Manitou Springs Municipal Code.
- C. In compliance with City roadway design and construction standards, as revised.
- D. In compliance with the criteria in this Section, in Chapter 18.72, Major Development Plan, and these regulations.
- E. In compliance with all requirements of the Subdivision Regulations (Title 16, Subdivisions).
- F. Prepared in accordance with generally accepted professional standards.
- G. Any development-related fees due on the affected property shall be paid unless the requirement is waived by City Council for good cause shown.

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18.26.070 FAILURE TO START MAJOR OR MINOR DEVELOPMENT

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- A. If no building permit is issued on a Major Development within twelve (12) months after planning permission has been granted by the City Council then that permission will lapse, unless good cause can be shown to the Council, after review and recommendation by the City Planning Commission that the permission should not lapse. In the event that good cause is shown, the permission may be extended for one, six (6) month period.
- B. If no building permit is issued on a Minor Development within twelve (12) months after planning permission has been granted by the City Planning Commission then that permission will lapse, unless good cause can be shown to the Commission, after review and recommendation by the Planning Staff that the permission should not lapse. In the event that good cause is shown, the permission may be extended for up to one, six (6) month period.

18.26.080 PUBLIC NOTICE

Public notice, as specified in Section 18.44.020: A. Publication, B. Posting, C. Mailed Public Notification, shall be provided for all Major Development Plan applications.

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18.26.90 APPEAL

In the event that the application is denied by the City Planning Commission, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in Section 18.44.040, Appeals.

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18.30 CONDITIONAL USE REQUIREMENTS AND PROCEDURES

18.30.010 PURPOSE

Conditional Uses are uses, which because of their character, size and potential impacts, may or may not be appropriate in particular zoning districts. The conditional use requirement is intended to

allow for the integration of certain land uses and structures within the City of Manitou Springs on recommendations imposed by the City Council and City Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other ordinances applicable to the proposed location and zoning district.

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Conditional uses shall not be allowed where with condition would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Design Guidelines of the City of Manitou Springs, City Code, State Law, rule or regulation promulgated pursuant thereto.

18.30.020 APPROVAL REQUIRED

Conditional use approval shall be required for those uses not specifically permitted in the particular zone district. Conditional uses may be revoked upon failure to comply with conditions of approval for the conditional use.

18.30.030 DETERMINATION

In considering any conditional use, the City Planning Commission and City Council shall consider all public comments, testimony and evidence pertinent to the proposed use, and shall impose such requirements and conditions necessary for the public welfare and achievement of the Rainbow Vision Plan and community goals and objectives, which may include a specific time limit on the use.

18.30.040 PROCESSING OF CONDITIONAL USES

A. PRE-APPLICATION CONFERENCE

A pre-application conference shall be held with the City Planner in order for the applicant to:

1. Become acquainted with the conditional use requirements and other related City requirements; and

2. Obtain a checklist of what the application shall include plus additional documentation that may be required as set forth in: **Chapter 18.08**, Specific Zone Designations; **Chapter 18.14**, Planning Permission; **Section 18.72**, Major Development Plan; and **Chapter 18.74**, Citizen Participation Plan and Report.

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B. APPLICATION - letter stating the existing use and proposed use.

A person having an interest in the property to be developed shall file an application for approval of a conditional use. The application shall be made on a form provided by the City of Manitou Springs.

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A pre-application conference shall be held with the City Planner in order for the applicant to:¶

¶ 1. Become acquainted with the conditional use requirements and other related City requirements; and¶

¶ 2. Obtain a checklist of what the application shall include plus additional documentation that may be required as set forth in **Chapter 18.08** "Specific Zone Designations, **Chapter 18.14** "Planning Permission", and **Chapter 18.72** "Major Development Plan."

C. DOCUMENTATION REQUIRED

The application for conditional use shall include all documentation specified as follows:

1. Site map indicating existing structures and their current uses; and existing surrounding structures and land uses.
2. A written statement of intent explaining the objective to be achieved by the development and a description of the possible impacts, both positive and negative, of the development;

3. Citizen Participation Plan and Report, identified in Chapter 18.74.
4. Traffic analysis indicating anticipated average daily traffic volumes, if required by the City.
5. A building floorplan indicating the proposed use(s) within existing or proposed structure(s).

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6. Any other information that may be required in order for the City Planning Commission to make an informed recommendation as determined by the City Planner.

7. Evidence of mailed notification as specified in Public Notice requirements Section 18.44.020.C.

8. Fiscal and operational impacts of new development and use conversions, such as residential conversions to reduced or non-contributing tax base uses, shall be evaluated for the City's ability to provide and maintain services and infrastructure necessary to support such development.

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18.30.050 PUBLIC NOTICE

Public notice, as specified in Section 18.44.020: A. Publication, B. Posting, C. Mailed Public Notification, shall be provided for all Conditional Use applications.

18.30.060 REVIEW PROCEDURE AND APPROVAL

1. PUBLIC HEARING

Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the City Planning Commission agenda for public hearing. After consideration of staff, professional/technical, agency and public comment, the City Planning Commission will make recommendations and refer the request(s) to the City Council at its next regular meeting following the completion of the summary of action and the submittal of any additional information or plans by the applicant.

2. BASIS FOR ISSUANCE OF A CONDITIONAL USE PERMIT

The City Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured, including:

- i. That the proposed use furthers the architectural and historical qualities and character of the community as set forth in the Manitou Springs Design Guidelines.
- ii. The proposed use is compatible in function and design with surrounding land uses.

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B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

C. Comprehensive Plan: That the conditional use is consistent with the Rainbow Vision Plan (Comprehensive Plan) of the City.

The approved conditional use and development plan shall be binding on the property until an amendment is approved. Except as otherwise recommended by the City Council, the

development of a conditional use shall conform to the applicable regulations of the district in which it is to be located.

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a. The proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.

Deleted: b. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor injurious to property or improvements in the community.¶

c. The proposed use will comply with the regulations and conditions specified in the City Code for such use.¶

d. The proposed use conforms to the goals and objectives of the City's Rainbow Vision Plan.

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e. The proposed use furthers the architectural and historical qualities and character of the community as set forth in the Manitou Springs Design Guidelines.

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18.30.060 FINAL ACTION

Final approval, approval with conditions or disapproval of a Conditional Use Permit rests with the City Council. The City Council shall make their decision on the basis of recommendations by the City Planning Commission.

18.30.070 APPEAL

Refer to **Section 18.44.040** regarding appeals of applications where City Council has the final jurisdiction and responsibilities.

18.30.080 EXPIRATION AND DISCONTINUANCE

A. Expiration: A conditional use granted pursuant to this part shall expire within twelve (12) months from the date of final approval if action is not taken, within that time, unless said time is extended for up to one, six (6) month period for good cause shown to the City Council. For purposes of this subsection, "action" means obtaining a building permit, pursuant to the granting of the conditional use, or if a building permit is not required, obtaining a business license associated with the conditional use request, or the right which is granted pursuant to the conditional use is put to use pursuant to the conditional use approval.

B. Discontinuance and Termination Of Right: Except as provided in subsection A of this Section, discontinuance of the exercise of any right heretofore or hereafter granted by any Conditional Use, for a continuous period of twelve (12) months shall terminate such right and invalidate the associated, approved development plan. Upon termination of right(s) associated with the conditional use, the property affected thereby shall be subject to all provisions and regulations of this Zoning Code applicable to the principal permitted uses within the zone in which such property is classified.

18.32 VARIANCES

18.32.010 POWER TO GRANT VARIANCES

Upon submittal of a complete variance application, the City Planning Commission has the authority, subject to the requirements of this part, to grant variances from the strict application of this Zoning Code, so as to relieve difficulties or hardships where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Zoning Code or amendment thereof, or by reason of exceptional topographic condition or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property; provided however, that such relief

may be granted only without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Code.

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18.32.020 PRE-APPLICATION CONFERENCE

A pre-application conference shall be held with the Planning Staff, unless waived by the Planning Department, in order for the applicant to:

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1. Become acquainted with the variance standards and submittal requirements and other related development requirements; and
2. Obtain a checklist of what the application shall include plus additional documentation that may be required.

18.32.030 APPLICATION FOR VARIANCE

n
Application for a variance shall be reviewed according to the provisions of this Section by the City Planning Commission at a public hearing. The City Planning Commission shall, after receiving a recommendation from the Planning Staff, approve, conditionally approve, or deny a variance application, only if all three (3) of the following criteria are met:

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Criteria For Granting: A written statement of intent explaining the objective to be achieved by the development and demonstrating that the following criteria are met. Guidelines for review of a variance are listed below each finding A, B, and C, below, when applicable, and the fact finder may, but is not required to, consider any or all of the following circumstances which have been established by the evidence in determining whether the applicable criteria have been met:

1. The property has extraordinary or exceptional physical conditions, as stated in Section 18.32.10, that do not generally exist in nearby properties in the same zoning district;

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Guidelines:

- i. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties.
- ii. The unique physical conditions of the property may be its size, shape, location, topography, soils; or
- iii. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions; or
- iv. The unique physical conditions may be certain on site or off site environmental features which may positively or negatively affect the property in question, including, but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural or historic features.

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2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief:

Guidelines:

- i. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning regulations.

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- ii. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.
 - iii. The purchase price of the property, the desire for greater economic return on investment or mere inconvenience do not constitute, by themselves, evidence of no reasonable use.
 - iv. Self-imposed conditions such as prior voluntary rezoning, platting, or building in violation of City codes and ordinances do not constitute evidence of no reasonable use.
 - v. Knowledge, or lack of knowledge, of zoning restrictions and physical site constraints at the time the property is purchased is immaterial to evidence of no reasonable use of the property.
3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Guidelines:

- i. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties.
- ii. The granting of a variance shall not be inconsistent with any plans adopted by the City.
- iii. The granting of a variance shall not weaken the general purpose of this Zoning Code or its regulations.
- iv. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property.

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B. Variances to the parking regulations (Articles 18.36 and 18.64) are subject to additional criteria set forth in this Section. In addition to the criteria listed in subsection A of this Section, variances to the regulations regarding vehicle parking listed in this Zoning Code must also meet the following criteria:

- 1. The proposed location of the vehicle will not create a pedestrian or vehicular safety problem.
- 2. The granting of the variance will not have an adverse impact upon the surrounding properties or neighborhood.
- 3. As a guide to applying the criteria listed in this subsection, when applicable, the fact finder may, but is not required to, consider any or all of the following circumstances which have been established by the evidence in determining whether the applicable criteria have been met:

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- i. Pedestrian Or Vehicular Safety: The following traffic related factors shall be considered:
 - a. The speed limit.
 - b. Vehicular traffic volume.
 - c. Pedestrian traffic volume.
 - d. Sight distance.
 - e. Physical design characteristics of the sidewalk and street.

ii. No Adverse Impact:

- a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding property values and neighborhood character.
- b. The granting of a variance shall not be inconsistent with any plans adopted by the City.
- c. The granting of the variance shall not weaken the general purpose of this Code, or its regulations.

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- d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of the property.
- e. Visual barriers or screening may be existing on site, or proposed by the applicant, such as vegetation, opaque walls, fencing on which have a positive effect toward screening of the vehicle, or proposed physical improvement.

C. Application: An application for a variance shall be filed with the Planning Department and shall contain the following documentation:

1. A narrative explaining the purpose of the request and providing justification for the request per the requirements contained in Part A of this Article; and

2. A site map indicating existing structures and the proposed development.

3. Evidence of mailed notification as specified in public notice requirements Section 18.44.020.C.

4. Any other information that may be required in order for the City Planning Commission to make an informed recommendation as determined by the Planning Staff.

18.32.040 PUBLIC NOTICE

Public notice, as specified in Section 18.44.020, A. Publication, B. Posting, C. Mailed Public Notification, shall be provided for all Variance applications.

18.32.050 FINDINGS

The City Planning Commission shall make the following findings:

1. That the representations in the application are valid or invalid and the applicant has or has not met one or more of the criteria established in Section 18.32.030, Application for a Variance;
2. That the reasons set forth in the application justify or do not justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land or structure;
3. That the granting or denial of the variance will be in harmony with the general purpose and intent of the Rainbow Vision Plan and the Zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

18.32.060 CONDITIONS OF APPROVAL

In granting a variance, the City Planning Commission may prescribe appropriate conditions in conformity with these regulations. Special conditions may be imposed upon any variance approval in order to alleviate or mitigate potential adverse impacts. Conditions must relate to the property

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a. That there exist special conditions and circumstances of the type specified in section 18.32.010, which are peculiar to the land, structure, or building involved and which are not applicable to other lands or structures in the same district;¶

b. That said special conditions and circumstances do not result from the actions of the applicant;¶

¶

c. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations.

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and/or vehicle and may relate to specific persons or organizations, which have a direct association with the use of the property as contemplated by the requested variance.

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18.32.070 APPEAL

In the event that the application is denied by the City Planning Commission, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in Section 18.44.040, Appeals.

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Deleted: In the event that permission is denied by the City Planning Commission, or conditionally given, and the applicant wishes to appeal the ruling, the applicant may seek relief from the City Council at one of its regularly scheduled meetings, pursuant to the requirements outlined within Notice, Hearing and Appeals Section 18.44.040.

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18.32.080 EXPIRATION AND DISCONTINUANCE

A. Expiration: A nonuse or use variance together with the accompanying site or development plan granted pursuant to this part shall expire within twelve (12) months from the date of final approval if action is not taken within that time, unless said time is extended for up to one, six (6) month period for good cause shown to the City Planning Commission, after review and recommendation by the Planning Department. For purposes of this subsection, "action" means obtaining a building permit pursuant to the granting of the variance, or if a building permit is not required, the right which is granted pursuant to the variance that is put to use pursuant to the approved variance.

B. Discontinuance and Termination Of Right: Except as provided in subsection A of this Section, discontinuance of the exercise of any right heretofore or hereafter granted by any variance for a continuous period of twelve (12) months shall terminate such right and invalidate the associated, approved development plan. Upon termination of the any use which necessitated the granting of a variance, the property affected thereby shall be subject to all provisions and regulations of this Zoning Code applicable to the principal permitted uses within the zone in which such property is classified.

18.32.090 ISSUANCE OF PERMIT

Where a variance is required and granted, it shall be issued prior to the issuance of a building permit, and shall be issued subject to the conditions upon which the City Planning Commission has determined to grant the variance.

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Deleted: Unless a building permit is issued for the development within a period of one year from the date of variance approval, such approval shall expire unless good cause can be shown to the Planning Commission that, after review and recommendation by the Planning Department, the variance should not expire. In the event that good cause is shown, the permission may be extended for up to one, six (6) month period.¶

18.34 MINOR MODIFICATIONS

18.34.010 Planning Director Approval

If, after planning permission has been received, it becomes necessary to modify the approved plan, minor modifications may be approved or disapproved by the Planning Director or designee. In no case shall the request for modification exceed what is allowed by zone, to include the result of cumulative requests.

18.34.020 Minor Modifications - Criteria

Minor modifications include:

A. Any change in commercial or industrial floor space up to 3%

Establish a process with potential fees for Minor Modifications

- B. Any change in the amount of open space up to 1%
- C. Any change in the amount of land area covered by structures up to 2%
- D. Minor changes in the location of streets and utilities.

18.36 PARKING REQUIREMENTS

18.36.010 MINIMUM NUMBER OF OFF-STREET PARKING SPACES

The minimum number of off street parking spaces to be provided for a use is listed in the following table. All parking ratios are based upon the gross floor area contained within the building. When the computation of the required off-street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions less than 0.5 shall be rounded to the next lowest whole number.

18.36.020 USES NOT LISTED

The required off-street parking spaces for a use not specifically listed, shall be determined by the Planning Director based upon the requirements of other similar listed uses. Pre-existing parking configurations and number of spaces shall be grandfathered; all proposed development and/or changes to intensify use shall comply with the standards identified in Tables 3 and 4 of **Chapter**

18.64, Development and Parking Standards.

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18.40 HOME OCCUPATIONS

18.40.010 PERMITTED HOME OCCUPATIONS

The following home occupations are permitted providing the requirements in **Sections 18.40.020, Conditions and Requirements, and 18.40.030, Specific Exclusions and Limitations**, are met:

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- A. Craft work, such as the making of pottery and jewelry.
- B. Garment work, such as tailoring, dressmaking, millinery work, ironing and garment repair.
- C. Office facilities for sales representatives, professional consultants and professional services.
- D. Repair services for small electronic, electrical and mechanical appliances.
- E. Tutoring, music lessons, dance lessons and similar specialized tutorial or instructional endeavors provided no more than 4 students are present at a time.
- F. Artistic endeavors, such as art studios, portrait studios, photography studios, writing and lithography.
- G. Daycare homes not requiring a state license or certification.

18.40.020 CONDITIONS AND REQUIREMENTS

Home occupations shall be operated subject to the following:

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- A. Such home occupation shall be in conformance with other existing laws and regulations of the City.
- B. Such home occupation shall be conducted entirely within a lot, parcel or tract of land and carried on by the inhabitants living there, plus one additional employee.
- C. Such home occupation shall be clearly secondary to the use of the lot, parcel or tract of land for residential purposes and shall not change the character thereof.
- D. The total area used for such home occupations shall not exceed 25 percent or no more than 800 square feet of floor area per lot, parcel or tract of land and shall be limited to the main residential structure, except for day-care homes that may utilize outdoor play areas.
- E. There shall be no more than one wall or hanging sign affixed to the primary structure advertising the home occupation. The sign shall be limited to a maximum of two square feet and shall have no exterior, interior or neon lighting.
- F. All incidental storage of stock, supplies or products shall be contained within the total area used for the home occupation.
- G. There shall be only incidental sale of stocks, supplies, or products conducted on the premises.
- H. There shall be no outside storage of materials on the lot, parcel or tract of land of material or equipment used as a part of the home occupation.
- I. No alterations to or construction of physical structures or storage buildings shall be permitted which makes the existence of the home occupation apparent beyond the boundaries of the site or which detracts from the residential character of the neighborhood.
- J. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home occupation.
- K. No electronic nuisances as defined in **Chapter 6.08.020, Unnecessary Sound Prohibited**, of the Manitou Springs Municipal Code, as amended, shall be created.
- L. No adverse health or safety conditions shall be created.
- M. The home occupation may increase vehicular traffic flow and customer parking, to be accommodated on-site, by no more than two additional vehicles at a time, except for day-care homes and classes or group sessions offered by professionals not more than one time per week, for not more than four persons.
- N. Off street parking as required for the residential use shall be maintained as required by these regulations per **Table 4, Chapter 18.64, Development and Parking Standards**.
- O. Normal business license requirements shall be met.

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18.40.030 SPECIFIC EXCLUSIONS AND LIMITATIONS

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A. Exclusions - In no event shall any of the home occupations listed above be interpreted to include the following commercial activities:

1. Body or mechanical repair, modification, or painting of motor vehicles and repair of internal combustion engines.
2. Animal hospital or kennel.
3. Medical/dental facilities other than office consultation services.
4. Health care facility providing residential services.

B. Limitations - There shall be no more than two home occupations operated in/on one (1) unit, lot, parcel or tract of land.

18.42. NONCONFORMING USES AND STRUCTURES - REDEVELOPMENT

~~Excepting structures located within the boundaries of the historic preservation district, and deemed to have architectural and historic significance, the replacement and redevelopment of nonconforming uses and structures is encouraged.~~

~~The City Planning Commission and City Council will review and consider progressive redevelopment proposals and will conditionally approve or deny the proposal based upon its merits, its compatibility with surrounding development, its conformance with the City's Rainbow Vision Plan, or lack thereof. Otherwise, replacement and redevelopment shall conform to the new development and construction standards of this Code.~~

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18.42.010. NONCONFORMING USES

A. EXISTING NONCONFORMING USES

~~Except as herein provided, the lawful uses of land existing at the time of adoption or amendment of this Code, may be continued even though said use does not conform to its provisions. Exemptions shall not extend to signs, billboards, or abandoned structures.~~

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B. ENLARGEMENT OR ALTERATIONS

~~No enlargement or exterior alteration of a nonconforming use other than regular periodic maintenance, shall take place without planning permission. Once a use is made to conform to the provisions of this Code, it may not revert to nonconformance either in part or in whole.~~

C. DISCONTINUANCE

~~If a nonconforming use should be discontinued or unused for a period of twelve months, it shall be deemed ended and shall not be resumed.~~

18.42.020. NONCONFORMING STRUCTURES

A. DAMAGED STRUCTURE

~~If a nonconforming structure is damaged in excess of 50% of its true market value, as based upon its current assessed value, the following developmental standards shall apply:~~

1. The damaged structure may be rebuilt to the previous dimensions, with no expansion;

2. The damaged portion ~~shall be~~ rebuilt according to the current specifications from the Regional Building Department;
3. The use shall conform to the requirements of the zone within which the property is located, unless a variance is granted;
4. Existing parking ~~shall be~~ maintained, no elimination of existing spaces;
5. Any structure ~~determined to have architectural or historical significance, shall be rebuilt in a style as close to the original as possible as approved by the City Council, upon the review and recommendation of the Historic Preservation Commission.~~

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The replacement and redevelopment of nonconforming structures and uses is encouraged.

The Planning Commission and City Council will review and consider progressive redevelopment proposals and will conditionally approve or deny the proposal based upon its merits, its compatibility with surrounding development, its conformance with the City's Rainbow Vision Plan, or lack thereof. Otherwise, replacement and redevelopment shall conform to the new development and construction standards of this ordinance.

18.44 PUBLIC NOTICE, HEARING AND APPEALS

18.44.010 Purpose

The purpose of this part is to provide the procedures for public notice, hearings and appeals.

18.44.020 Public Notice

Public notice shall be required for all applications requiring a public hearing to be held by the Planning Commission and/or City Council and for those items appealed to the City Council. Grading Permit shall require Posting only. All public notice shall be required as set forth in this Section. In calculating the time period for public notice, the first day of publication, posting or mailing, or the day of hearing, shall not be counted toward the total number of days required. Public notice shall consist of the following:

A. Publication: When publication is required, the Planning Department shall publish a public notice in a local newspaper as designated for the purpose by the City Council. Public notice shall include a map indicating the location of the proposal, the type of application, and a brief summary of the request.

B. Posting: City Planning may require in any application that the applicant post public notice in the form of a sign upon properties under development consideration. Such posting is intended to provide the opportunity for public notice of owners of surrounding properties and the general public.

All required signage shall be placed along the perimeter of the subject property in locations which are visible from adjacent public rights-of-ways where it can be clearly viewed by passing motorists from adjacent streets and/or pedestrians without having to trespass. The physical location of the poster should provide actual public notice to owners and residents of the surrounding properties and the general public that a development is being proposed in the general area. Additional postings may be required outside the actual boundary of the project, if in the opinion of the Planning Director, or designees, the alternative location(s) offer more

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visibility for public notice. The poster should never be placed on trees within the street right-of-way. It is also forbidden to place a poster on electrical power poles and telephone poles. All posting signage must be removed within 30 days after a final decision has been made, as set forth for each respective application of the Zoning Code. Public notices may be posted for the three (3) following stages of development review:

1. Preapplication: Preapplication posting at this stage of the review process is optional at the discretion of the Planning Director. Property shall be posted for the a minimum time period as designated by the Planning Director, after an initial preapplication conference with City Planning. The purpose of this posting is to solicit preliminary public comments regarding the development project proposed for the property.
2. Administrative: Internal review posting at this stage of the review process is optional at the discretion of the Planning Director. Property shall be posted for a minimum time period as designated by the Planning Director, after formal submittal of the development application. The purpose of this posting is to solicit formal public comments regarding the development proposal.
3. Public Hearing: Property shall be posted at least 10 days prior to the City Planning Commission or City Council public hearing regarding a proposed development project. The purpose of the posting is to inform the general public of the specific time, date and location of the public hearing and solicit public comments regarding the development proposal.

C. Mailed Public Notification: When mailed public notification is required, the applicant shall be responsible for mailing letters/informational postcards for specified applications. Public notices are to be sent to surrounding property owners within 100' of the subject property, excluding adjacent rights-of-way, by first class mail with proof of mailing.

The Planning Director, or designees, shall have the authority to require the applicant to provide additional mailed notification beyond 100', based upon the scope of the potential external impacts of the proposed project. Mailed notification shall, at a minimum, notify the adjacent owners of the nature of the request, the Planning Commission or City Council meeting date for which consideration is proposed and direct questions or comments to the Manitou Springs Planning Department

D. Public Notice For Additional Hearing Dates: If the notice set forth in subsection A of this Section has been provided, no further publication is required if the City Planning Commission or City Council adjourns the hearing to a certain date. A revised property posting shall be required.

E. The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this Section, and conforming to the Posting Affidavit, available at the Planning Department. The City Planning Commission and City Council shall determine substantial compliance for these public notices

18.44.030 Public Hearing

Hearings as provided for in this Zoning Code shall be held at the date, time, and place for which public notice is required in this Section. A hearing may be continued provided that prior to the

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Deleted: to provide notice of proposed developments. The applicant shall be responsible for mailed public notification.

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1. An applicant must submit evidence that surrounding property owners within 100' of subject property, excluding adjacent rights-of-way, have been notified by first class mail with proof of mailing.

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Deleted: D. Neighborhood Meetings: Some applications require a Citizen Participation Plan, refer to **Section 18.74**, to be completed, and this may include a requirement that a neighborhood meeting be held to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate to the applicant any issues, concerns or comments that they might have regarding a proposed development project. Neighborh(... [16]

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adjournment or recess of the hearing, a clear announcement is made specifying the date, time, and place to which said hearing will be continued. Any person may present evidence or testimony during a hearing.

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18.44.040 Appeals

A. Appeals Of Administrative Decisions:

1. Scheduling Appeals: Any person aggrieved by an appealable administrative decision made by the Manager, the Planning Director, or any other administrative official, may file a formal appeal application with City Planning within ten (10) days from the date of the decision. City Planning shall place the appeal on the agenda of the next regularly scheduled meeting of the City Planning Commission occurring a minimum of twenty one (21) days and a maximum of forty eight (48) days thereafter. After a public hearing, the City Planning Commission shall have the power to affirm, reverse, modify or remand for additional review of these decisions.

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2. Appealable Administrative Decisions:

Administrative decisions that are appealable to the City Planning Commission are contained in Chapter 18.80, Process.

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3. Submittal Requirements For Review of An Appeal of An Administrative Decision: In the written notice, the appellant must substantiate the following:

a. Identify the explicit Code, provisions which are in dispute.

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b. Show that the administrative decision is incorrect because of one or more of the following:

- (i) It was against the language of this Zoning Code, or
- (ii) It was against the expressed intent of this Zoning Code, or
- (iii) It is unreasonable, or
- (iv) It is erroneous, or
- (v) It is clearly contrary to law.

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c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

4. Criteria for Review of an Appeal of an Administrative Decision:

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a. Code was interpreted or applied erroneously.

b. Granting the appeal is not a detriment to public health, safety or welfare.

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5. Stays of Administrative Decisions: A perfected appeal shall operate as a stay of the administrative decision unless determined otherwise by City Planning Commission.

6. Failure to Appeal: The failure to appeal an administrative decision within the ten (10) day period shall be deemed to be a waiver of the applicant's, or a party in interest's, right to appeal to the City Planning Commission and a failure to exhaust administrative remedies.

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7. Appeal Filing Fee: Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees, per the published fee schedule, and for the completion of all forms which may be prescribed by the Manager. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal.

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B. Appeals of City Planning Commission Decisions:

1. Notice of Appeal: Any person may appeal to the City Council any action of the City Planning Commission in relation to this Zoning Code, by filing a written notice of appeal with the City Clerk. The notice of appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based.

Deleted: The failure to appeal the decision of the Planning Commission within the ten (10) day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the courts under rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.¶

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2. Submittal Requirements for Review of An Appeal of a City Planning Commission Decision: In the written notice, the appellant must substantiate the following:

a. Identify the explicit Code provisions which are in dispute.

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b. Show that the City Planning Commission decision is incorrect because of one or more of the following:

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(i) It was against the language of this Zoning Code, or

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(ii) It was against the expressed intent of this Zoning Code, or

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(iii) It is unreasonable, or

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(iv) It is erroneous, or

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(v) It is clearly contrary to law.

3. Stays of City Planning Commission Decisions: A perfected appeal shall operate as a stay of the City Planning Commission unless determined otherwise by City Council.

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4. Criteria for Review of an Appeal of a City Planning Commission Decision:

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a. Code was interpreted or applied erroneously.

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b. Granting the appeal is not a detriment to public health, safety or welfare.

5. Action and Procedure by the City Council: Upon receipt of the notice of appeal required by this subsection B, the City Clerk shall schedule the item for a City Council meeting. Publication and posting shall be required per Section 18.44.020. The City Council shall hold a public hearing on appeals from the City Planning Commission upon the date so scheduled or upon the date to which the same may be postponed or continued.

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6. Postponement of Items on Appeal to the City Council: As a matter of course, an appellant may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the City Planning Commission, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the City Planning Commission for further hearing and recommendations.

7. City Council's Powers Upon Appeal: The City Council shall have the power to refer any matter appealed back to the City Planning Commission for further consideration or Council may affirm, reverse or modify the action of the City Planning Commission. City Council may limit the hearing to matters raised on appeal, or may hear the appeal de novo, except in cases of new information or additional evidence. In such cases, the City Council may remand the request back to the City Planning Commission for further hearing and consideration.

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8. Failure to Appeal: The failure to appeal the decision of the City Planning Commission within the ten (10) day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the City Council for failure to exhaust administrative remedies.

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9. Appeal Filing Fee: The filing fee shall be per the published fee schedule. Failure to pay the fee according to the published fee schedule shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal.

C. Appeals of City Council Decisions:

On such appeals, the decision of the City Council shall be final, and shall be subject to review by the courts pursuant to applicable rules and statutes, unless the matter is remanded to the City Planning Commission.

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18.48 ENFORCEMENT AND VIOLATIONS

The Planning Director or designees shall enforce this Code, and shall have the authority to establish priorities for the abatement of zoning violations and implement appropriate procedures to abate each category of violations so established.

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18.48.010 ENFORCEMENT

The Code Enforcement Officer shall be charged with the responsibility of enforcing the provisions of this ~~Code~~. He shall make a periodic inspection, review complaints, and perform such other tasks necessary to insure compliance with the provisions of this ~~Code~~. In the event there is a violation of this ~~Code~~, the Code Enforcement Officer shall issue a written order in person or by registered mail to the violator or the property owner indicating the nature of the violation.

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18.48.020 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Code Enforcement Officer. He shall record properly such complaint, immediately investigate it, and take action thereon as provided by these regulations.

18.48.030 PENALTIES

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A. FINES AND IMPRISONMENT

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of this ~~Code~~, or any amendment thereto.

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Any person or entity that fails, violates or refuses to comply with any requirement of this Chapter shall be punishable as provided in ~~Section 1.01.100~~ of the ~~Manitou Springs Municipal Code~~, as amended.

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B. CONTINUING OFFENSES

Each day during which illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

C. TERMINATION OF USE

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used in violation of any provision of this ~~Code~~, the City of Manitou Springs or any owner of real estate within Manitou Springs, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such offensive erection, construction, reconstruction, alteration, maintenance, or use.

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18.50 AMENDMENTS TO THE ~~ZONING CODE~~

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18.50.010 PROCEDURE

The ~~City~~ Planning Commission shall be allowed fifteen (15) days to review the proposed change, and shall be required to make a recommendation to the City Council, at the Council's next regular meeting following the expiration of that period. The City Council may, after a public hearing of which at least fifteen (15) days prior notice has been given by one publication in a newspaper of general circulation in the City, in accordance with the charter of the City of Manitou Springs, amend, supplement, change, modify, or repeal the boundaries, or the regulations wherein or subsequently established, after submitting the same to the ~~City~~ Planning Commission for its recommendation and report.

18.50.020 FEES

A fee for filing an amendment may be established as appropriate, by the City Council.

18.52 LEGAL STATUS OF THE ~~ZONING CODE~~

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18.52.010 INTERPRETATIONS

Interpretations and applications of the provisions of this ~~Code~~, shall be held to the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided however, that where this imposes a greater restriction upon the use of the building or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, or regulations or by easements, covenants, or agreements the provisions of this ~~Code~~, shall govern.

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18.52.010 CONFLICT

Whenever this ~~Code~~, is at variance with other adopted rules, regulations, resolutions, or ordinances that which is most restrictive or requires the highest standards shall apply.

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Should any article, section, clause, or provisions of this ~~Code~~, be declared by the court to be invalid, the same shall not affect the validity of the ~~Code~~, as a whole or any part thereof, other than the part so declared to be invalid.

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18.60 DEFINITIONS

18.60.010 DEFINITIONS

For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense shall include the future; the singular number includes the plural and vice-versa; the word "shall" is to be construed as mandatory; the words "occupied" or "used" shall be construed to mean intended, arranged, or designed to be occupied or used both in the future and present tenses.

Accessory Use or Structure

A use or detached structure subordinate to the principal use or structure, and located on the same lot or parcel, or an adjacent lot or parcel with easement or deed restriction, serving a purpose that is incidental to the principal use or structure. Accessory uses or structures may include storage sheds, garages and parking areas, children's play equipment, and antennas. Accessory structures shall meet the height requirement for the zone district they are located in. Accessory uses or structures for rental or associated with unlicensed business activity are not permitted.

Administrative Review

The Planning staff generally will review the following types of development, which have no significant visual or topographic impacts. Developments which otherwise qualify for staff review, but do have visual or topographic impacts will be processed as Minor Developments. Administrative Review generally includes:

- One single-family dwelling
- Up to two, multi-family dwellings
- Expansion of existing, nonresidential development 15% or less
- Regulated accessory structures, such as a garage

Bed and Breakfast Inn

A private home, converted multi-family dwelling, or other such similar land use operated on a fee basis as a business by providing overnight lodging and provide any food service for guests only. An innkeeper shall be in residence or immediately adjacent to the Bed and Breakfast. Bed and Breakfasts require approval as a Conditional Use in residential zones.

Berm

An earthen mound designed to provide visual interest on a site, screening of undesirable views, noise reduction, etc.

Boarding House

A building where meals and long-term (30 days or more) residential tenancy is regularly furnished for four or more persons, not members of the family, but not exceeding twelve persons, for compensation. This establishment is not open to transient customers.

Buildings

Any structure having a roof supported by columns or walls, used, or intended to be used, for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Area

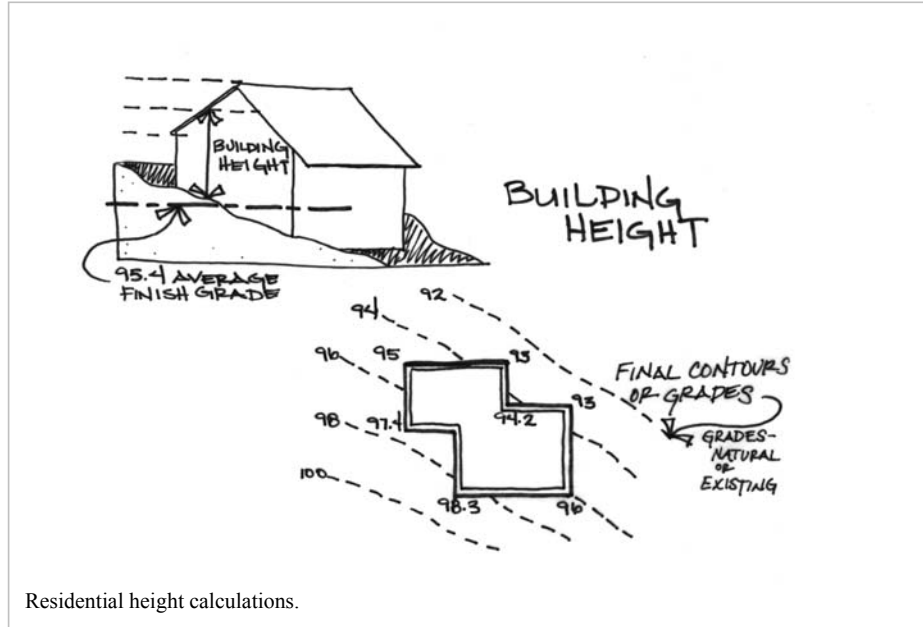
The total area bounded by the exterior walls of the building to the floor levels, including garages, car parks, porches, breezeways and accessory structures.

Building Height - Commercial

The vertical distance measured from the street or sidewalk elevation to the highest point of the roof, not including vents, pipes, chimneys or other such appurtenances.

Building Height - Residential

The vertical distance measured from the average between the highest to lowest natural/existing or proposed lot grade around the perimeter of the structure to the highest point of the roof; whichever results in less height.

**Club**

Any membership organization including a lodge catering exclusively to the members and their guests and whose facilities are limited to meeting, eating and recreational use and whose activities are not conducted principally for monetary gain.

Cluster development

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Comprehensive Plan

The document, or a group of documents, in which are expressed the policies and guidelines for the development of the physical, economic, and human resources of Manitou Springs, as from time to time amended.

Conditional Uses

Uses of a special nature as to make impractical their predetermination as a principal use in a district. Uses that may only be included on condition of the City Council.

Development Agreement

Development agreement is defined as the agreement between the developer and the City in which the developer's obligations concerning the property being developed, and the time for their performance and completion, are set forth. The development agreement shall establish the period of the vesting of the developer's rights, and it shall also provide that, in the event of a breach or default of the developer's obligations, such vested rights may, after notice and a hearing before City Council, be divested.

Dwelling

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

- A. Dwelling, Multi-family means a building with three or more separate independent housekeeping dwelling units for permanent occupancy with separate rooms for sleeping, eating and cooking, where such units have habitable living spaces arranged in a stacked configuration. In no event shall the term multi-family be interpreted or deemed to include hotels, motels, or inns, regardless of the length of stay of customers of such motels, hotels, or inns. Two types of multi-family buildings are defined as follows:
1. Small multi-family buildings shall mean multi-family buildings containing between three (3) and eight (8) dwelling units per building intended for either sale or rent.
 2. Medium multi-family buildings shall mean multi-family buildings containing more than eight (8) dwelling units per building.
- B. Dwelling, Single-family attached townhome means three or more dwelling units where each unit is attached to other units by party walls, and where habitable spaces of different units are arranged in side-by-side, rather than in a stacked configuration, with each unit located on its own lot.
- C. Dwelling, Multi-family attached townhome means three (3) or more dwelling units where is unit is attached to other units by party walls, and where habitable spaces of different units are arranged side by side, rather than a stacked configuration, where each unit is not located on its own lot.
- D. Dwelling, Single-family means a single dwelling unit in a single building not attached to any other buildings other than those accessory to the dwelling.
- E. Dwelling, Duplex means a single building on a single lot, designed for occupancy by two separate dwelling units in a side-by-side or stacked configuration, and not attached to any other buildings other than those accessory to the dwellings.
- F. Dwellings, Single-family attached duplex means a dwelling unit attached by a party wall to only one other dwelling unit in a side by side configuration, with each unit located on its own lot.
- G. STUDIO/EFFICIENCY UNIT: A small owned or rented dwelling unit which combines living and bedroom spaces into one room, and in some cases the kitchen area as well.

Environmental and Fiscal Impact Report

The project specific Environmental and Fiscal Impact Report shall comply with the criteria stated in **Section 16.06.030.K** of the Manitou Springs Subdivision Regulations and this definition. This report shall analyze the impact of a proposed project on public facilities and environmental quality, as well as the proportional fiscal impact on the City. The fiscal impact analysis and existing infrastructure capacity and service levels are used as a basis for determining impacts attributable to the proposed project and shall be determined for a ten (10) year time horizon for only the appropriate municipal funds. The cost of on-site and off-site project impacts on public facilities and services is not borne by the general community. In those situations where the project impacts are shown to exceed the capacity of existing public facilities and services, the applicant will demonstrate a means of increasing the capacity of the public facilities and services proportionate to the impact generated by the proposed project. The City has the right to request additional information if the fiscal impact report is not sufficient.

Essential Services

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include gas, electrical, water, sanitary sewer, storm water drainage, telephone and cable television and communications systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.

Family

One or more persons occupying a premises and living in a single housekeeping unit as distinguished from a group occupying a boarding or lodging house or a hotel.

Frontage

The smallest dimension of a lot abutting a public street measured along the street line of right-of-way.

Garage, Commercial

Any building or structure where automobiles, trucks, or commercial vehicles are stored, repaired, equipped, or sold for remuneration.

Garage, Private

A building used only for the housing of motor vehicles without their equipage for operation, repair, hire, or sale, in conjunction with residential land use.

Gross Floor Area

For the purpose of this ~~Code~~, the sum of all the roofed over floor area of the building measured from within its exterior walls including all accessory buildings on the same lot.

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The land under planning consideration.

Home Occupation

An incidental and secondary use of a dwelling unit for minor business purposes to include types of activity, which are not detrimental to the residential character of the neighborhood.

Hotel

A building containing sleeping rooms designed to be rented for short term occupancy and which may or may not have eating or drinking facilities as an accessory use.

International Fire Code (IFC)

The International Fire Code is a set of regulations coordinated with the International Building Code, International Mechanical Code and referenced national standards. Topics address fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, and other fire-safety requirements for new and existing buildings.

Junk Yard

A building or structure or parcel of land or a portion thereof used for the collecting, storage, or sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery, or other materials and including the sale of whole or parts thereof.

Light Manufacturing or Industry

Any manufacturing or industrial processing which by nature of the materials, equipment and process utilized is to a considerable degree quiet, clean and free from any objectionable or hazardous element.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to the public street or alley.

Lot

A parcel of land having frontage on a public street occupied by a principal structure or use, and sufficient in area to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ~~Code~~.

Lot Lines and Area

The peripheral boundaries of a parcel of land and the total area lying within said boundaries.

Lot Width

The width of a parcel of land measured at the rear of the specified street yard.

Lot Length

Is the mean distance from the street to the rear of the lot measured perpendicularly from the street line upon which the lot faces.

Major Development

Major developments include:

- A. All new, non-residential development or uses
- B. Five or more single-family dwellings (including townhome units)
- C. Eight or more multi-family dwellings

D. Expansion of existing, non-residential development by 30% or more

E. Two or more single family dwellings or multi-family dwellings, or nonresidential development with significant visual impacts from public rights-of-way or key public places (i.e., town clock, parks, views to Pikes Peak/Garden of the Gods)

Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. The term "manufactured home" does not include recreational vehicle, but may include modular home.

Minor Development

Minor developments generally include:

A. Four or fewer single-family dwellings

B. Seven or fewer multi-family dwellings

C. Expansion of existing, non-residential development by less than 30%

D. Nonresidential change of use without significant impacts

Mobile Home

Any vehicle or similar portable structure originally constructed to have no foundation other than wheels, jacks or skirting and so designed or constructed to permit occupancy as living or sleeping quarters.

Mobile Home Park

A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for dwelling or sleeping purposes, whether or not a fee is charged for use of the property, and which is operated and maintained by a person holding a mobile home park license (the "licensee").

Mobile Home Space

A plot of ground within a mobile home park designed for the accommodation of one mobile home.

Motel

A permanent building or group of buildings designed for the accommodation of transient guests and their automobiles. Included here are such things as auto courts, tourist courts, motor lodges, motor inns, motor hotel, and similar terms.

Multi-use Inns

A business which is similar to a Bed and Breakfast Inn except that other functions may be accommodated including weddings, receptions, public restaurants, and assorted other social or business gatherings. Multi-use Inns require approval as a Conditional Use in residential zones with specific ancillary uses and their magnitude defined and limited by the conditions of approval. The business must be conducted in compliance with all state regulations.

Nonconforming Uses or Structures

Any structure, or land, lawfully used, occupied, or erected at the time of the effective date of this ~~Code~~, or amendments hereto, which does not conform to ~~its~~ provisions. Any structure conforming in respect to use but not in respect to frontage with area, height, yard, parking, loading, or distance requirements shall be termed a nonconforming structure, not a nonconforming use.

Parking Area

An open space or an enclosed structure used exclusively for the temporary storage of automobiles, such space having a graded and surfaced area of 9 ft. by 18 ft. or meeting the provisions of the Parking Standards in **Chapter 18.64**, and having adequate ingress or egress to a public street or alley.

Private Stable

A building and/or area for the purpose of using, housing, or feeding horses and for the storage of equipment relating to the care, maintenance, and operation of the horses; further, any building and/or area where horses are boarded and owned by the occupants of the premises and are not kept for remuneration, sale, or hire.

Public Uses

Any building open to the general use, participation or enjoyment of the public and owned by the town, county, state, or federal government, or a public utility corporation.

Public Utility

For the purposes of this ordinance, a public utility is an electricity substation, a gas regulator station, a telephone exchange, a water or sewer pump station, a water reservoir, and the accessories used to provide the service.

Screen

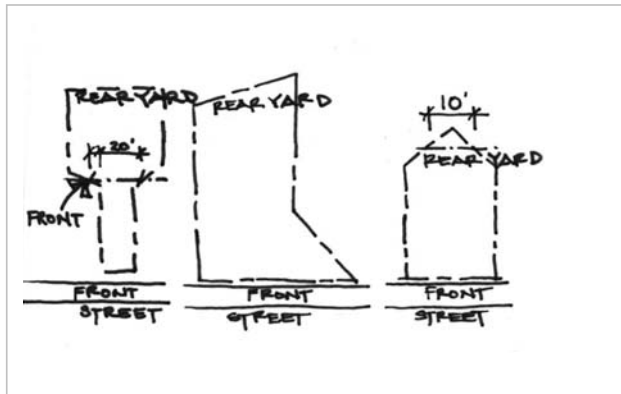
Screening shall provide visual barriers between different land uses, enhance the streetscape, provide privacy, and protect uses from wind, dust, noise, traffic, glare, visual disorder, and harmful or noxious effects. A screen should consist of vegetation that shall be at least six feet (6') in height where required, a required opaque structure (fence or wall) shall be at least six feet (6') in height or as otherwise specified by the development plan.

Setbacks (see Yard)**A. Rear Yard**

Opposite the street yard and extending across the full width of the lot, immediately behind the principal structure wall.

B. Side Yard

Extends from the street yard to the rear yard of a lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure or use.

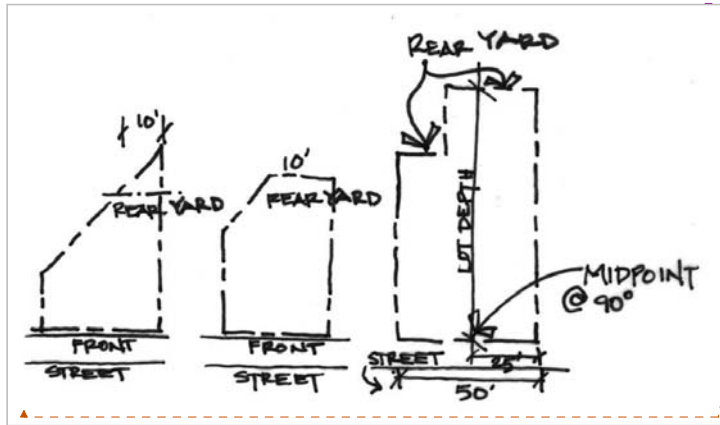


C. Street Yard

Extends across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto to the nearest point of the principal structure.

Stable, Commercial

Any building designed, arranged, used, or intended to be used for housing horses for the use of any person, for compensation.



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Sign

Any medium or device such a letters, figures, emblems, and/or colors, that advertises a place, product device, or other item available on the premises on which the device is located.

Structure

Any erection or construction such as a building, towers, lamps, poles, booms, signs, decorations, carports, machinery and equipment.

Structural Alterations

Any change in the supporting members of a structure such a foundations, bearing walls, columns, beams, or girders.

Subdivision

The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and when appropriate to the context, relates to the process of subdivision or to the land or territory subdivided.

Solid Waste

Unwanted or discarded material with insufficient liquid content to be free flowing. Solid waste may be generated by a variety of land uses including agricultural, commercial, industrial, residential, etc.

Variance

A legal modification or variation of provision of this [Code](#), as applied to a specific piece of property.

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Yard (see Setbacks)

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation. The street and rear yard extend the full width of the lot.

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TABLE 1: HLDR Lot Size Calculation Requirements

PLATTED LAND		UNPLATTED LAND**	
Average Minimum		Average Minimum	
Slope	Lot	Slope	Lot
0-17	9,000	0-17	21,780
18	10,200	18	23,450
19	11,400	19	25,120
20	12,600	20	26,790
21	13,800	21	28,460
22	15,000	22	30,130
23	17,000	23	31,800
24	19,600	24	33,470
25	21,000	25	35,140
26	23,000	26	36,810
27	25,000	27	38,480
28	27,000	28	40,150
29	29,000	29	41,820
30	31,000	30	43,500
31	33,000	31	52,325
32	36,000	32	61,150
33	39,000	33	69,975
34	42,000	34	78,800
35	45,000	35	87,625
36	48,000	36	96,450
37	51,000	37	105,275
38	54,000	38	114,100
39	57,000	39	122,925
40	60,000	40	131,750
41	63,000	41	140,575
42	66,000	42	149,400
43	69,000	43	158,225
44	72,000	44	167,050
45	75,000	45	175,875
46	78,000	46	184,700
47	81,000	47	193,525
48	84,000	48	202,350
49	87,000	49	211,175
50+	90,000	50	+ 220,000
Note: This table does not allow unplatted land to develop, but rather allows a smaller lot size for already platted property			

** All land unplatted as of the effective date of the Hillside Low Density Residential (HLDR) zone Ordinance (June 9, 1982), upon zoning or rezoning said land to HLDR shall be subject to the minimum lot requirements.

18.64 (continued)

Table 2: Development Standards									
STANDARDS	HDR	GR	LDR	HLDR	DWTN	C	OS	PK	PF
Minimum lot size	N/A Determined by # of DU's	4,400 sq. ft. m	8,700 sq. ft. l	See HLDR Table	N/A	N/A	c	d	d
Residential density (n)	15 du/ac	10 du/ac	5 du/ac	See HLDR Table	15 du/ac	15 du/ac	N/A	N/A	N/A
Minimum lot frontage	50 ft.	45 ft.	85 ft.	85' platted 100 ft. unplatted	25 ft.	50 ft.	N/A	N/A	N/A
Maximum building height (i)	30 ft. e	25 ft. f	25 ft. f	25 ft. g	40 ft.	35 ft. a	15 ft.	25 ft.	30 ft. e
Maximum lot coverage	75%	50%	35%	20/10% j	100%	75%	N/A	N/A	75%
Minimum setbacks				h		b			
Front	15 ft.	15 ft.	20 ft. k	25 ft. platted/ 35 ft. unplatted	0 ft.	10 ft.	N/A	N/A	10 ft.
Side	10 ft.	7 ½ ft.	10 ft.	10 ft. platted/ 20 ft. unplatted	0 ft.	5 ft.	N/A	N/A	5 ft.
Rear	15 ft.	25 ft.	25 ft.	25 ft. platted/ 25 ft. unplatted	0 ft.	10 ft.	N/A	N/A	10 ft.
Maximum Front setbacks	n/a	n/a	n/a	50 ft. platted/ 100 ft. unplatted	n/a	n/a	n/a	n/a	n/a



a – If in compliance with an approved stepped façade or roof line, building height may be up to 40 ft. in the Commercial zone and 45 ft. in the Downtown zone, with new facades adjacent to lower buildings “stepped” to provide a gradual height transition from adjacent buildings and from public pedestrian ROW. In the absence of “stepped” provisions, the maximum height as measured from the sidewalk elevation shall be as stated in the above table. The minimum requirement to meet a “stepped” provision is 25% of the length of the roofline elevation.

b – When adjacent to Residential zone districts, greater setbacks may be required and determined upon Rezoning or Minor/Major Development Plan.

c – Development standards shall be established by the Open Space Management Plan, as established by a Development Plan as approved by City Council.

d - Development standards are determined by the review of the concept or development plan at the time the zone is established, or as amended.

e – Heights of structures shall be 30 ft. as calculated in the Building Height definition, unless a property is located within the Historic District and receives a material Change of Appearance Certification incorporating steep roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed 35’.

f – As calculated in the Building Height definition unless property is located within the Historic District and receives a Material Change of Appearance Certification incorporating steep, roof pitches, per the Historic District Design Guidelines, as amended. In such cases, building heights shall not exceed 30’.

g – Building height shall be 20’ if the closest point of the structure is within 100’ of a ridgeline.

h – Setbacks in the HLDR zone may be established by a platted building envelope as determined at time of subdivision.

i – In all cases, the height of the building shall be compatible, and in character with, the surrounding neighborhood.

j – Total lot coverage by structures, including attached or detached accessory structures, shall not exceed 20% on lots averaging 20% slope or below; and 10% lot coverage on lots with slopes of greater than 20%).

k – The minimum street yard setback requirement shall not apply to Crystal Hills Estates Filing Number 3; instead, the minimum street yard setback shall be 15 feet from the property line.

l – The minimum lot size in existing subdivisions, where lot(s) platted in the current filing of the subdivision (as of September 25, 1996) are being replatted, shall be no less than 80% of the average lot size of the current subdivision. In no case shall the minimum lot size of the replatted lot(s) be less than 8,700 square feet.

m - The maximum lot size in existing subdivisions, where lot(s) platted in the current filing of the (as of September 25, 1996) are being replatted, shall be no more than 120% of the average lot size of the current subdivision.

n – The maximum density is not guaranteed and relies on the availability of services, topography, preservation of environmental and/or historic features, available access, and surrounding neighborhood character for appropriate density.

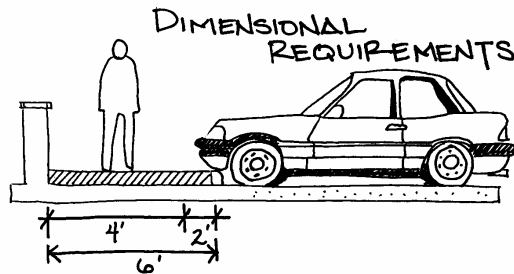
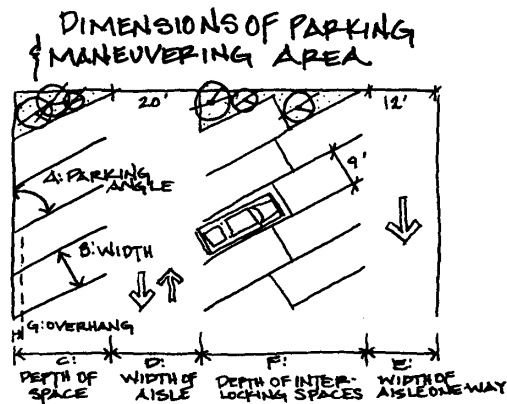
18.64 (continued)

TABLE 3: Parking Space Standards

A Parking Angle (Degrees)	B Width of Space	C Depth of Space	D Width of Two-Way Aisle	E Width of One-Way Aisle	F Depth of Interlocking Space	G Depth of Overhang	COMPACT SPACES B Width of Space	C	F	G
0° (Parallel)	9	22	20	12	18	0	8	20	16	0
30°	9	17	n/a	12	26	1.5	8	15	23	1.5
45°	9	19	20	12	32	1.5	8	17	29	1.5
60°	9	20	20	16	35.5	2	8	18	32	2
75°	9	19.5	22	18	37	2	8	17.5	33	2
90° (straight in)	9	18	24	24	36	2	8	16	32	2

Refer to **Table 4** for Minimum Off-Street Parking Requirements.

1. Each space shall meet the dimension requirements in the above table, excluding ingress and egress area.
2. All off-street loading spaces shall be provided completely off the public right-of-way and large enough to prevent the reversing of delivery trucks onto the public way.
3. When off-street parking is provided in a residential area in lieu of garage or carport, it shall have all weather surfacing.
4. Not more than 20% required parking allowed as compact spaces.



- No sidewalk shall be decreased to less than four feet (4') in width by use of a vehicle overhang. No overhang is permitted into a sidewalk that is located within a public right-of-way.
- No required landscaped area shall be reduced by use of an overhang.

18.64 (continued)**Table 4: Minimum Off-Street Parking Requirements for Specific Uses****Use Types****CIVIC USE TYPES**

Administrative and safety services	1 space per 400 square feet
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Recreational clubs	1 space per 150 square feet
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Daycare services:

Daycare center	1 space per 400 square feet
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Preschool	1 space per 400 square feet
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Educational institutions:

Elementary or junior high	2 spaces per classroom
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Senior high	1 space per 4 students
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Public park and recreation services	Determined by Park Board
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Religious institution	1 space per 4 seats
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COMMERCIAL USE TYPES (cont'd)**Automotive and equipment services:**

Auto service	1 space per 200 square feet
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Automotive rentals	1 space per 400 square feet of office space plus adequate space for vehicle storage and display
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Automotive repair garage	1 space per 200 square feet of building area plus adequate space for vehicle storage
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Automotive sales	1 space per 400 square feet of office space plus adequate space for vehicle storage and display
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Automotive storage yard	1 space per 400 square feet of office space
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Automotive wash	1 space per bay or stall
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Auto body and fender repair services	1 space per 200 square feet of building area plus adequate space for vehicle storage
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Bar, tavern or nightclub	1 space per 100 square feet
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Bed and Breakfast Inn	1 space per guest room or suite plus required space(s) for on-site residence or staff
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Building maintenance services	1 space per 400 square feet
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Campground	1 space per 400 square feet of office space
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Communication services	1 space per 400 square feet
Construction equipment business	1 space per 400 square feet of office space plus adequate space for vehicle storage
Equipment rental and sales	1 space per 400 square feet of office space plus adequate space for vehicle storage and display
Equipment repair services	1 space per 200 square feet of building area plus adequate space for vehicle storage
Equipment storage yard	1 space per 400 square feet of office space
Consumer repair services	1 space per 400 square feet
Exterminating services	1 space per 400 square feet
Food sales - convenience, general or specialty	1 space per 300 square feet
Funeral home or mortuary	1 space per 4 seats
Hotel/Motel	1 space per guestroom or suite plus 2 spaces for on-site residence or staff added
Kennels	1 space per 400 square feet of office space
Laundry services (large scale activity)	1 space per 750 square feet
Liquor sales	1 space per 300 square feet
Personal improvement services; tailor, seamstress, shoe repair, etc.	1 space per 150 square feet
Personal services; massage therapy, photo studios, skincare providers, etc.:	1 space per 400 square feet
Barber	1.5 spaces per chair
Beauty salon	1.5 spaces per chair
Pet services	1 space per 400 square feet
Pharmacy:	
Office	1 space per 400 square feet
Retail	1 space per 300 square feet
Recreation, commercial:	
Bowling alley	4 spaces per lane
Ice and roller skating rink	1 space per 150 square feet
Miniature golf course	1 space per hole
Pool hall	2 spaces per table
Restaurants:	

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Indoor seating	1 space per 100 square feet
Outdoor seating	1 space per 200 square feet
Retail, general:	
Department store, shop, etc.	1 space per 300 square feet
Furniture or appliances	1 space per 600 square feet
Teen club/young adult club	1 space per 100 square feet
Theater or Auditorium (fixed and unfixed public auditorium seating)	1 space per 4 seats
OFFICE USE TYPES	
Financial services; bank, savings and loan, credit union	1 space per 400 square feet
General offices:	
Administrative, business or professional	1 space per 400 square feet
Telemarketing	1 space per 200 square feet
Medical/dental offices, labs and clinics, alternative medicine	1 space per 200 square feet
Veterinary service small animals: Completely enclosed structure	1 space per 200 square feet
RESIDENTIAL USE TYPES	
Single family detached	2 spaces per unit
Attached dwelling units:	
Studio or efficiency	1 spaces per dwelling unit
1 bedroom	1.5 spaces per dwelling unit
2 bedrooms	2.0 spaces per dwelling unit
3 bedrooms	2.0 spaces per dwelling unit
Elderly (60 or over)	0.5 space per dwelling unit
Boarding or Rooming house, dormitory, fraternity, sorority or other communal living arrangement where common kitchen facilities service the occupants	0.5 space per bed
Human service establishment:	
Hospice	1 space plus 1 per 8 beds
Nursing home	1 space per 5 beds
Youth home	1 space plus 1 per 8 beds
Healthcare support facility	1 space plus 1 per 8 beds

Deleted: (current requirement is 5.5 per 1,000 sq. ft.)**Deleted:**

Mobile home	2 spaces per mobile home space
Mobile home park	2 spaces per mobile home space
Multi-family dwelling (see Attached dwelling units)	
Retirement home	0.5 space per dwelling unit

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18.68.010 TITLE

This appendix may be deemed the Grading Ordinance of the City of Manitou Springs and may be so cited and pleaded.

18.68.020 PURPOSE

The purpose of this ordinance is to protect the health, safety, and welfare of the citizens of Manitou Springs by:

- A. Ensuring that the development of each site occurs in a manner harmonious with adjacent land so as to minimize problems of drainage, erosion, earth movement, and similar hazards as well as visually unpleasant relationships.
- B. Ensuring that the planning, design, and construction of a development will be done in a manner, which provides both maximum safety and human enjoyment, while making it as unobtrusive in the natural terrain as possible.
- C. Ensuring, insofar as practical in permitting reasonable development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion, earth movement and other similar hazards and to aid in preservation of natural scenic qualities of the City.
- D. Reducing air pollution caused by dust blown from areas under development.
- E. Preventing the premature cutting of roads and building sites in newly developing areas of the City.

18.68.030 RELATIONSHIP TO OTHER ORDINANCES

This ordinance is intended to help implement the Comprehensive Plan of the City of Manitou Springs. In that regard, it supplements the Subdivision Regulations and the Zoning Ordinance by prescribing standards and criteria for judging how a development will actually affect the terrain, drainage, or vegetation, etc., immediately before construction is to take place, or minerals and material are to be removed.

18.68.040 GRADING PERMITS - WHEN REQUIRED

No person shall commence or proceed with any modification of the natural terrain without seeking and obtaining a grading permit from the Planning Director, if such modification will result in any of the following:

- A. An excavation, fill or combination thereof in excess of 100 cubic yards.
- B. An excavation which, at its greatest depth, will be three (3) or more feet below the ground surface, over an area of 500 square feet or more.
- C. A fill which, at its greatest depth, will be three (3) or more feet above the ground surface, over an area of 500 square feet or more.

- E. An excavation or fill which falls within a public sewer, water main, storm drainage, power line, public right-of-way, or any other public utility easement. This includes the preparation of roads, sidewalk, etc.
- F. Vegetation removal over an area 500 square feet or more.
- G. Mining, quarrying, or gravel operations.
- H. Any major excavation by the City of Manitou Springs.

18.68.050 PERMIT EXEMPTIONS

No permit shall be required when grading is performed in the following circumstances:

- A. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit.
- B. Solid waste disposal sites operated by the public or under public regulations.
- C. An excavation by the City for the purpose of maintenance of City utilities, buildings, streets, or easements.
- D. An excavation by a private individual for the purpose of routine maintenance.
- E. Tilling the ground for agricultural purposes or protection.

18.68.060 APPLICATION FOR A GRADING PERMIT

A. PROCEDURE

The individual shall first present the details of the proposed grading to the Planning Director.

1. The Planning Director may approve, disapprove, or conditionally approve the application. If the action taken by the Planning Director is unfavorable as far as the individual is concerned he may appeal it to the City Planning Commission. If the action taken by the City Planning Commission is unfavorable as far as the individual is concerned he may appeal it to the City Council. Major or Minor Development requests must be approved by City Council prior to issuance of an associated Grading Permit.
2. Upon approval by the Planning Director, City Planning Commission or City Council, the individual may apply for the grading permit at the Regional Building Department.
3. Inspections of the work and administration of the permit will be done by the Regional Building Department in accordance with the Uniform Building Code (as adopted).

B. DETAILS OF APPLICATION

The application for a grading permit for a major or minor development shall be submitted to the Planning Director in five (5) copies.

1. MAJOR DEVELOPMENT DETAILS

The applicant shall be prepared by a registered professional engineer and shall consist of a grading plan drawn at an appropriate scale (1" = 50' at a minimum) with:

- i. Location of existing and proposed buildings or structures on the applicant's property.
- ii. Location of all existing and proposed streets, roadways, driveways, easements, and right-of-ways.
- iii. The present contours of the site in dashed lines and the proposed contours in solid lines. Contour intervals shall not be less than two (2) feet. The source of topographical information shall be indicated.
- iv. The location of all drainage to, from, and across the site, the location of intermittent and permanent springs, and culverts and other drainage structures.
- v. Details of any proposed drainage structures, cribbing, terraces, and/or surface protection, not including vegetative cover, required as a result of grading and required for the support of adjoining property.
- vi. Grading specifications.
- vii. Profiles.
- viii. Statement of the estimated starting and completion dates for the grading work proposed and any landscape work that may be required.
- ix. Drainage calculations shall be required only where proposed grading has modified existing runoff patterns. Where a drainage study exists for the subdivision and the grading plans conform to proposed drainage patterns, a letter indicating conformance to the original drainage plan shall meet the intent of this requirement. Under these conditions drainage calculations would not be necessary.
- x. A soils report for a subdivision should supply the needed soils information for all individual lots within the subdivision unless site conditions indicate the need for additional information on a specific lot. Soils reports shall be required on individual lots only where unusual conditions exist or soils information is totally lacking. The report shall consist of information relative to the stability of cut and fill slopes, compaction requirements, erosion tendencies and bearing capacities when needed.
- xi. Landscape plans and specification for the site, and if appropriate, information relating to landscaping of adjacent or surrounding areas affected by the proposed development. A licensed landscaped architect shall prepare such plans and specifications. These plans shall show:
 - a. Distribution of plant material, ground cover, rockscaping; general location, quality and key number of each species of plant in each group; outline of all lawn areas, areas to be seeded, and sodded; existing trees, if any to be preserved, transplanted, or removed; kind, size and work involved as related to slope control and/or physical environment.

- b. List of plant material giving standard botanical plant names and key number for each variety for reference to plan, and in addition, the size, quality or other pertinent description common to the trade.
- c. A statement describing the methods for planting the areas to landscaped with special emphasis on (a) soil preparation, fertilization, plant material and methods of planting, and (b) initial maintenance of the plant material and slopes until a specified percentage of plant coverage is established uniformly on the cut and fill slopes.
- d. Details of all items and features pertaining to site preservation and improvements such as retaining walls, and tree wells, and details not shown on other plans accompanying the application.
- e. Guarantee of replacement of plants that die within 18 months after planting.
- f. Such other and further details as may be specified and required by the City Engineer to carry out the purposes of this ordinance.

xii) Such other information as shall be required by the City Engineer.

NOTE: If any of the material required for the grading permit application has been previously submitted as part of the planning permission as subdivision processes then that submittal shall be referenced and the items may not be submitted as part of the grading application.

2. MINOR DEVELOPMENT DETAILS

The application shall be legibly drawn at an appropriate scale preferably by an architect, landscape architect, land planner or engineer and shall contain, at a minimum, the following:

- i. Location of existing and proposed buildings or structures on the applicant's property.
- ii. Location of all existing and proposed streets, roadways, driveways, easements and rights-of-way.
- iii. The location of all drainage to, from and across the site, the location of intermittent and permanent springs, and culverts and other drainage structures.
- iv. Details of any proposed drainage structures, cribbing, terraces and/or surface protection, not including vegetative cover, required as a result of grading and required for the support of adjoining property.
- v. Grading specifications.
- vi. Statement of the estimated starting and completion dates for the grading work proposed and any landscape work that may be required.
- vii. Other.

C. DISPOSITION OF COPIES AND PLANNING DIRECTOR ACTION

Within five (5) working days of submission, the Planning Director shall send a copy of the application and all related information, as applicable, to the following:

- 1) City Engineer
- 2) Regional Building
- 3) Regional Floodplain Administrator
- 4) Streets Superintendent

Each of these groups shall review the application and make written comments and recommendations for compliance with their requirements to the Planning Director.

Within fifteen (15) working days from the date of distribution for review, the Planning Director shall approve, disapprove or conditionally approve the request based upon the purpose and criteria found in this appendix.

D. DENIAL OF PERMIT

When, in the opinion of the Planning Director, ~~the work proposed by the applicant is contrary to the purposes of this appendix,~~ the grading permit shall be denied.

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Factors to be considered in the denial shall include, but not be limited to, possible saturation of fill and unsupported cut by water, both natural and domestic runoff surface waters that cause erosion, and silting of drainage ways; subsurface conditions such as the rock strata and faults, nature and type of soil or rock that when disturbed by the proposed grading may create earth movement and produce slopes that cannot be landscaped and excessive and unnecessary scaring of the natural landscaped through grading or removal of vegetation.

E. CONDITIONS OF ISSUANCE

A permit may be issued with conditions, as listed, but not limited to those listed as follows:

1. Limitation of the hours of operation or the period of year in which work may be performed.
2. Restrictions as to the size and type of equipment.
3. Designations of routes upon which materials may be transported.
4. The place and manner of disposal of excavated materials.
5. Requirements as to the laying of dust and tracking of dirt, the prevention of noises and other results offensive or injurious to the neighborhood, the general public, or any portion thereof.

6. Designation of maximum or minimum slopes to be used if they vary from those prescribed in this ordinance.
7. Regulations as to the use of public streets and places in the course of the work.
8. Regulations as to the degree of compaction of fill material.
9. Requirements as to paving private driveways and roads constructed under the permit.
10. Requirements for safe and adequate drainage of the site.
11. A requirement that approval of the City Engineer be secured before any work, which has been commenced, may be discontinued.
12. A requirement that men and equipment be provided at the site during storms to prevent incomplete work from endangering life or property.
13. Requirements for fencing of excavation or fills, which would be hazardous without such fencing.

F. FAILURE TO START DEVELOPMENT

If final inspection approval by the Planning Director of a Grading Permit for a major development is not made within twelve (12) months after permission has been granted by the Planning Director, City Planning Commission or City Council then that permission will lapse, unless good cause can be shown to the entity which originally approved the application, that the permission should not lapse.

In the event good cause is shown, the permission may be extended for up to one, six (6) month period.

If final inspection approval by the Planning Director of a Grading Permit for a minor development is not made within six (6) months after permission has been granted by the Planning Director, City Planning Commission or City Council then that permission will lapse, unless good cause can be shown to the entity which originally approved the application that the permission should not lapse. In the event good cause is shown, the permission may be extended for up to one, three (3) month period.

G. RECLAMATION

Within 30 days of the lapse of a Grading Permit the owner of the property for which the permit was granted shall file a reclamation plan for approval by the Planning Director. The reclamation plan shall be designed to return the site to as close to the condition existing prior to grading as deemed reasonable by the Planning Director.

H. SECURITY REQUIRED

The applicant for a Grading Permit may be required to file security in the form of a surety bond, irrevocable letter of credit, or other such guarantee satisfactory to the City, in an amount deemed sufficient by the City Engineer to cover all costs of reclamation of the site in the event that the improvements are not in accordance with the approved Grading Permit. Said security shall be returned to the applicant within 30 days of final approval of the improvements by the Planning Director.

In such case that use of the security as described above occurs any monies in excess of that required for reclamation shall be returned to the applicant.

18.68.070 INSPECTIONS

Periodic inspections of the work shall be made by the Regional Building Department. Specifications for slopes, compaction, etc., shall be as promulgated in the Uniform Building Code, as currently adopted.

18.68.080 EROSION CONTROL

All cut and fill surfaces created by grading and subject to erosion except plowing or discing for agricultural or fire break purposes shall be planted with a ground cover that is compatible with the natural ground covers in the City and that will thrive with little or no maintenance once established. Topsoils are to be stockpiled during rough grading and used on cut and fill slopes. On slopes likely to be extensively disturbed by later construction, an interim ground cover may be planted to be supplemented by the permanent ground cover and/or shrubs and trees when the site is finally developed and landscaped. When slopes too steep to support continuous ground cover have been permitted and in lieu thereof niches and ledges provided for planting, such slopes need not be planted with a continuous ground cover, but may instead be screened with vines and plantings. Cuts and fills along public roads may be required to be landscaped so as to blend into the natural surroundings. All plant materials shall be satisfactory to the approving authority for the grading permit.

18.68.090 AIR POLLUTION CONTROL

Efforts will be made to abate the dust caused by the development of sites. Such methods as watering, erosion controls, chemical treatment, etc., may be used, but dust shall be minimized.

18.68.100 FEES

The City of Manitou Springs shall set fees.

18.68.110 RESPONSIBILITY

Failure of the City officials to observe and recognize hazardous or unsightly conditions, or to deny or recommend denial of the grading permit, or of the City Planning Commission or City Council to deny said permit, shall not relieve the permittee of responsibility for the condition or damages resulting there from, and shall not result in the City of Manitou Springs, its officer, or agents, being responsible for the conditions or damages resulting there from.

18.68.120 PUBLIC NOTICE

Public notice, as specified in Section 18.44.020 B. Posting is required for all Grading Permit applications.

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18.68.130 APPEAL

In the event that the application is denied by the Planning Director or designees, or conditionally approved, and the applicant wishes to appeal the decision, the applicant may seek relief pursuant to the requirements outlined in Section 18.44.040. Appeals.

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18.72 MAJOR DEVELOPMENT PLAN (MDP)

The following general information shall be required, unless otherwise noted, on the site plan, landscape plan, grading plan, drainage plan and report, erosion control plan, lighting plan and building elevations, as well as any other plan which may be required by planning staff that is part of the MDP.

18.72.010 MDP Narrative Requirements.

A narrative shall be part of the MDP, shall comply with the following requirements and shall:

- A. Be typed or printed on standard letter size paper and be reproducible.
- B. All narratives must be clearly written and understandable.
- C. Provide the name, address, phone/fax numbers, and e-mail address of the landowner, the developer or representative and the person preparing the plan, if different from the owner.
- D. Provide a statement of ownership and ratification of such.
- E. Provide the name of the property that the MDP is associated with, if applicable.
- F. Define the overall impacts of the proposed development on the adjacent land, including how the development complies with the intent of the MDP as defined in **Section 18.26.010, Purpose and Intent of the Major Development Plan**.

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G. Provide the following business related data:

- 1. Anticipated business opening or occupancy date
- 2. Hours of operation
- 3. A chart showing the following items in square feet and percentage of gross site area:
 - a. Total gross site area
 - b. Total hardscape area
 - c. Building footprint area and square footage
 - d. Building use(s)
 - e. Parking/access/sidewalk area
 - f. Number of employees
 - g. Number of required and provided parking spaces by land/building use(s)
 - h. Proposed landscaped area and existing vegetation to remain.

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18.72.020 MDP Preparation Requirements.

The MDP Plan shall be prepared as follows:

A. All plans must be legible and reproducible.

B. The name and legal description of the proposed development shall appear on the first, or cover, sheet.

C. Prepare plans at a scale of 1"= 20' or another scale approved by the planning department which allows for maximum clarity of the proposal. Plans shall show north point, written and graphic scale, utility easements, lot sizes, existing land uses surrounding the site, adjacent streets and points of access and proposed land uses.

D. Sheet size shall be 24"x 36" with the long dimension horizontal (unless larger size approved by staff), and an 11"x 17" reproducible copy. An information block shall be located in the lower right-hand corner or along the right hand margin of the sheet and shall include the date of preparation and any revisions, a north arrow, the scale used, a graphic scale, sheet title, and preparer's name, address and phone/fax numbers and email address.

E. All plans shall be prepared to accepted professional standards.

18.72.030 Site Plan Requirements

Site plans shall conform to the above requirements of **Section 18.72.020, MDP Preparation Requirements**, shall be utilized as the basis for the following plans and exhibits, and shall contain the following specific information:

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A. Show a vicinity map to scale of up to 1"= 400' showing the relationship of the site to the surrounding land area.

B. Show setback dimensions from lot lines, and indicate any structures proposed to be removed.

C. For subdivided land, all boundary lines must be labeled with bearings, distances and curve data as shown on the final plat.

D. For unsubdivided land, all boundary lines must be labeled with bearings, distances and curve data shown on the certified boundary survey.

E. Identify the proposed street address of each building.

F. Show locations and dimensions of all existing and proposed signs to show relationship to proposed site features. However, all signs require approval of a Sign Permit in accordance with the Sign Ordinance.

G. Provide dimensions and identify all existing and proposed structures showing points of ingress/egress.

H. Show locations and dimensions of all public and private streets, walks, and trails, rights-of-way and points of access on or adjacent to the proposed site and note surface materials.

I. Provide the zoning of the site and the zoning and current uses of the adjacent land.

18.72.040 Building Detail Requirements

A. Discuss how the building architecture provides visual interest consistent with the community's identity, character and scale. Explain how the building facades and rooflines are articulated to reduce the mass, scale and monolithic appearance of any large buildings. Describe how the architectural features and patterns provide visual interest at a pedestrian scale. Drawings, photographs, models and computer photographic simulations may be included to illustrate design concepts. The following information shall also be supplied:

B. Building Elevations. Scale drawings of all building elevations, unless individual elevations waived by Planning staff, which accurately represent the proposed building design with annotations. One set of colored elevations shall be provided for public hearings.

C. Building Material Identification and Sample Requirements. A chart specifying all proposed exterior materials and samples of all principle, exterior building materials.

18.72.050 Phasing Plan/Schedule Requirements

Shall include a graphic representation of development schedule and phases of development for all proposed construction. A narrative description of the proposed development schedule and phases of development for all proposed construction shall also be provided.

18.72.060 Landscape Plan Requirements

A. PURPOSE

The purpose of the Landscape Plan is to establish requirements for the design, installation and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive, and safe environments according to recognized water conservation principles; and that conserve, protect and promote the unique natural identity and environment of the City. The objectives of the landscape plan are to increase aesthetics, improve environmental quality, to design landscapes suitable to local conditions, to enhance the value of land, and encourage innovative, long-range and cost-conscious approaches to landscape design. The Landscape Plan shall ensure:

1. The provision of adequate and proper drainage for survival of plant material
2. The stockpiling and redistribution of beneficial topsoil
3. The mitigation of slopes that are difficult to vegetate or irrigate, or that would result in water runoff onto paved surfaces
4. The protection of landscaping from flooding or contaminated runoff
5. Aesthetically and functionally placed berms
6. General contouring of the ground plane to create forms that are aesthetically pleasing and that contribute to the intent of the landscape design.

B. The Landscape Plan shall illustrate the following standards:

1. Minimum number of trees: at least one tree for every 500 square feet of required landscaping area.
 2. At least one tree shall be planted for every 20 linear feet as a buffer to adjacent residential uses with at least 50% of the plantings being evergreen.
 3. One street tree per 40 lineal feet of street frontage.
 4. Up to 50% of the required trees may be substituted by shrubs in a ratio of 10, 5-gallon shrubs per tree.
 5. All deciduous trees shall be a minimum of 2" caliper. All coniferous or evergreen trees shall be a minimum of 8' in height.
 6. Credit will be given for retention of existing trees and vegetation.
 7. Minimum required internal landscaping area shall be 10% of the gross site area.
- C. All Landscape Plans shall meet the following requirements:
1. Shall be prepared in a professional manner by an individual who is familiar/experienced with Colorado plant material, plant communities, local soils, and irrigation practices.
 2. Plants shall be selected based on suitability to conditions of the site, and to the traditional and historic plant material used in the City of Manitou Springs.
 3. Landscaping shall be planned in a manner to promote diversity among plant material and to encourage plant materials to thrive.
 4. Plants with similar water needs shall be grouped together to provide optimum water application.
 5. The locations and quantities of plants shall comply with the requirements established for the landscaped areas as noted in section 8 below. A plant material chart, which describes the numbers, sizes and types of proposed planting, shall be provided.
 6. An irrigation plan may be required as part of the Landscape Plan. The irrigation plan shall be submitted and approved prior to the issuance of a building permit, or prior to final MDP approval for the conversion of vacant land to nonresidential use that does not involve the construction of a structure. The irrigation plan shall graphically and through notes depict a water-efficient design consistent with the landscape and grading plans. The irrigation plan shall show and note hydrozones. The hydrozones shall take into account like water demand plants, slopes, microclimates, environmental factors, and water pressure.
 7. A landscape grading plan may be required as part of the Landscape Plan and shall provide all information necessary to clearly indicate existing and proposed site conditions including, but not limited to:
 - a. Contour intervals
 - b. Existing and proposed contours

- c. Top and toe of manufactured slopes
- d. Retaining walls with top of wall elevations and finish grade on each side
- e. General intent of site drainage.

8. All landscaped areas shall consist of one hundred percent (100%) ground coverage in living vegetation, organic mulch, or ornamental paving or rock mulch as follows:

- a. At least seventy-five percent (75%) of each landscaped area shall consist of plants, or a combination of plants and organic mulch.
- b. Ornamental paving (excluding sidewalks) or rock mulch shall not exceed twenty-five percent (25%) of any landscaped area.
- c. Vegetative cover may consist of ground covers, perennials, wildflower mix, shrubs, ornamental grasses, bulbs and grass mixes, or turf grass.
- d. The tree canopy shall not be counted in the seventy-five percent (75%) calculation of vegetative cover.

9. Where existing native plants are to be retained, drainage shall not be altered so as to be detrimental to the viability of the plants.

10. All disturbed site areas shall be revegetated and slopes stabilized in conformance with City requirements.

11. Measures shall be taken to conserve on-site plants. City staff may recommend credit be given for preserving landscaping. Protection of characteristic plant communities serves to retain a "sense of place" and to fulfill landscaping requirements.

12. In fire prone areas the Landscape Plan shall consider and mitigate fire hazards.

13. Minor revisions to an approved landscape plan may be approved by staff.

14. Certification by the applicant/owner at 11 months after landscape installation that all vegetative landscaping has been inspected and is currently living. Said certification shall include the date of landscape installation, date of any landscape replacement and the date of the required inspection. Any replacement vegetative landscaping shall be recertified by the applicant/owner that it has been reinspected at 11 months after its reinstallation and is currently living.

D. Preliminary Landscape Plan:

A preliminary landscape plan (without irrigation plan and/or landscape grading plan) may be submitted as part of a MDP under review with the condition that a final landscape plan (with irrigation plan and/or landscape grading plan, if required) shall be submitted for staff review and approval prior to the issuance of a building permit. When the preliminary landscape plan information is not sufficient to assure that the MDP

will avoid (or acceptably mitigate) an adverse impact on a surrounding property, part or all of the final landscape plan information may be required.

18.72.070 Lighting Plan Requirements.

A. The intent of the Lighting Plan is to increase safety, reduce crime and minimize the negative impacts on surrounding uses. All outdoor lighting shall meet the following standards:

1. All lighting shall be shielded such that the source of illumination (bulb or direct lamp image) is not visible from any adjacent property.
2. Except as otherwise allowed for herein, all lighting (including parking lot security, walkway and building) shall be downcast and, if necessary, shall utilize cutoff fixtures.
3. All lights, except those required for safety/security or signage as provided herein, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours. Extinguishing all signage lighting within one hour of the end of business and to remain extinguished until one hour prior to commencement of business shall be encouraged.
4. Except for safety/security lighting at entrances, stairways and loading docks, .5 foot-candle on the rest of the site is permitted.
5. No outdoor lighting may be used in any manner that interferes with the safe movement of motor vehicles on public thoroughfares.
6. Maximum fixture height for all lighting shall be 18 feet, except for any parking structure when the maximum fixture height shall be 18' above the highest approved deck level. Lights mounted on a building, which is taller than 18' may exceed this height, but may not exceed the height of the building.
7. All fixtures mounted within 15' of any residential property line or public right-of-way boundary of the site shall be fitted with a cut-off shield on the side facing the residential or public right-of-way property line.
8. Maximum on-site foot-candles shall not exceed 10 foot-candles. In areas adjacent to buildings, said 10 foot-candle maximum shall include light spillage from within the building as well as light from signage.
9. Light levels measured 20' beyond the site property line shall never exceed 0.1 foot-candles as a direct result of the on-site lighting.
10. Any decorative, accent or landscape lighting does not need to be downcast, however it shall be designed to minimize illumination of the night sky.

B. The Lighting Plan shall be prepared and submitted in accordance with the following:

1. Show locations of all exterior lighting.

2. Identify proposed and existing fixtures and heights.

3. Provide elevation details and manufacturer's literature.

4. Provide a photometric plan as required by the planning department. The photometric plan shall be prepared at both 24"x 36" and 11"x 17" for submittal at same scale as the MDP.

C. For approval, the Lighting Plan shall demonstrate compliance with the above design and submission standards.

18.72.080 Drainage Plan and Report Requirements.

The purpose of the drainage plan and report is to ensure that all on-site and off-site drainage impacts from the proposed development are addressed and mitigated to acceptable levels. The Drainage Plan and Report shall be prepared in accordance with the Requirements for all Drainage Plans and Reports referenced in the Manitou Springs Subdivision Regulations and Zoning Ordinance and shall meet the following design standards:

A. Provide proof that water is to be discharged from the property so as not to alter historic peak flows.

B. Integrate proposed drainage facilities into the natural terrain through landscaping and other techniques.

C. Regulate the discharge rate and total capacity into existing natural drainage ways so as to not exceed existing natural conditions.

The Colorado Springs and El Paso County Storm Drainage Criteria Manual and the City of Colorado Springs Drainage Criteria Manual Volume 2 shall be used for design standards and criteria not addressed in 6.a through 6.c above. For approval, the Drainage Plan shall demonstrate compliance with the above design and submission standards.

18.72.090 Grading and Erosion Control Plan Requirements.

A. Shall comply with the requirements contained in **Chapter 18.68, Grading Permits**, of these regulations, as well as other prospective state and Federal requirements and shall demonstrate that the following principles have been followed in the Plan:

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1. Fitting the development to the topography and the vegetative cover to minimize topographic alteration and destruction of vegetative cover.

2. Reducing the area and duration of exposed soil.

3. Removing and saving topsoil prior to any grading or excavating and replacement for revegetation.

4. Retaining and protecting natural vegetation.

5. Covering disturbed soils with mulch, topsoil and vegetation.

6. Retarding runoff, erosion, and sediment in runoff water, including but not limited to: using sedimentation ponds, and by increasing the absorptive capacity of the site.

7. Not degrading the water quality of the stream or river into which site water is discharged.

B. For approval, the Grading and Erosion Control Plan shall demonstrate compliance with the above principles and submission standards and requirements.

18.72.100 Parking Plan Requirements.

Shall show locations and dimensions of required off-street parking and loading areas and handicap spaces.

Shall comply with the requirements contained in **Chapter 18.36, Parking Requirements**, of these regulations. If the City's regulations do not address the parking requirements of a proposed use, the Colorado Springs Zoning Code parking requirements shall apply, unless the owner/applicant submits a Parking Study establishing alternate parking requirements, which are deemed acceptable by the City.

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18.72.110 Public Improvements Plan.

All improvements to streets, utilities and fire fighting facilities must be in conformance with the City's requirements, including the Water/Sewer Ordinance, Subdivision Regulations, Zoning Ordinance and Fire Department requirements. The Public Improvements Plan shall illustrate the location of all existing and proposed streets, utilities and fire fighting facilities including fire hydrants and fire flows.

The plan shall include a narrative discussing the source of all utilities, including water, sewer, stormwater, natural gas, electric, telephone and cable.

18.72.120 Visibility Impact Analysis.

Development with significant visual impacts from public rights-of-way or key public places (town clock, parks, views to Pikes Peak/Garden of the Gods) shall provide a site line analysis illustrating what, if any, portion of the proposed development will be visible and addressing mitigation of any visibility impacts.

18.72.130 Traffic Study.

A. Traffic studies may be required in order to assess the impact of a proposal on the existing and/or planned street system. Unless waived by the Planning Director, a written study meeting the City's guidelines will be required. A study will be required when:

1. Nonresidential development when the peak hour trip generation is expected to exceed 50 vehicles.
2. Residential development of 20 units or more.

B. This study shall be prepared by a professional Transportation Engineer.

C. The Traffic Study shall include: trip generation, site plan (including points of access), existing and projected traffic volumes (including peak hour traffic and total daily traffic), level of service, critical lane capacity analysis, traffic signals, trip generation rates (using the Institute of Transportation Engineers' "Trip Generation Guide"), trip assignment, traffic accidents, traffic counts (with detail regarding when and how performed), design hours volumes and any reciprocal parking.

18.72.140 Geologic Hazards Plan and Report.

A. A geologic hazards plan and report shall be provided to the City. The purpose of the geologic hazards plan and report is to:

1. Identify conditions that may pose a hazard to a land development
2. Recommend mitigation measures that may be taken to reduce or avoid the identified hazards to acceptable levels so that development may proceed
3. Recommend areas that are unsuited for the level of development proposed or pose unacceptable risks for development

B. The type of geologic hazards to be identified shall include, but not be limited to, the following:

1. Expansive or unstable soils and/or rock.
2. Unstable or potentially unstable slopes
3. Landslide areas or potential landslide areas
4. Debris fans
5. Rockfall
6. Subsidence
7. Shallow water tables
8. Springs
9. Flood prone areas
10. Faults
11. Uprturned or dipping bedrock.

C. Address the following in the report conclusions and recommendations:

1. State whether the intended use of the land is compatible with any identified or potential geologic hazards or constraints. If mitigation measures are necessary, identify them in detail. Discuss the development of mitigation procedures or design changes necessary to minimize or abate any hazardous condition, if such mitigation or design change is possible. Each hazardous condition requires a recommendation, which may be a recommendation that the conditions are too severe to warrant development.

2. The recommendation should focus upon the long-term stability and safety of the proposed project. Discuss the critical planning and construction aspects of the development including the suitability of using irrigated landscaping, the stability of earth materials, the appropriateness of the proposed grading plans, the

need for selective location of project facilities, and the static and dynamic parameters for the design of structures; as applicable.

3. Clearly state the geologic basis for all conclusions.

D. The Geologic Hazard Plan and Report will be reviewed by the City Planning Department in conjunction with the normal review of the land development proposal. The City's review shall determine whether the findings, conclusions and recommendations of the Geologic Hazard Plan and Report have been incorporated into the design of the MDP, Subdivision Plat, Drainage Plan, Grading Plan and street construction documents, or other required document. If the review by the City determines that the study submitted is incomplete or fails to comply with the standards and requirements set forth in this Section, staff may require new or supplemental information. In cases where significant geologic hazards are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project, if approval is recommended. Said mitigation measures may include, but not be limited to:

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1. Changes to the proposed land use configuration
2. Modification of land use types
3. Modification of lot boundaries or building envelopes
4. Special foundation designs and over-excavation
5. Geotechnical engineering solutions
6. Limitations on irrigated landscapes
7. Special drainage designs

E. ~~Planning, Staff, City~~ Planning Commission or City Council may, at their discretion, have the geologic hazard plan and report independently reviewed by the Colorado Geological Survey (CGS) or by an independent professional geologist or qualified geotechnical consultant. This separate review shall supplement the City's review and will be considered by the City in making a final determination on the land development proposal. The cost of having an independent review and analysis of geologic hazard reports shall be borne by the developer.

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18.72.150 Environmental and Fiscal Impact Report Requirements.

Shall comply with the requirements of **Section 16.06.030K** of the Manitou Springs Subdivision Regulations, as amended, and as defined in **Chapter 18.60, Definitions**.

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18.72.160 Parks, Trails and Open Space Report.

The applicant should review the City's Parks, Trails and Open Space Master Plans, requirements or documents and submit information showing the consistencies and inconsistencies of the proposed MDP with each.

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Applications as specified or required by Planning Staff shall include a Citizen Participation Plan and Report which must be implemented prior to the first public hearing.

18.74.010 Citizen Participation Plan**A. The purpose of the Citizen Participation Plan is to:**

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;
2. Ensure that the citizens and property owners of Manitou Springs have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process;
3. Facilitate ongoing communication between the applicant, interested citizens and property owners, City Staff, and elected officials throughout the application review process.

Formatted: Bullets and Numbering**Formatted:** Bullets and Numbering**Formatted:** Bullets and Numbering**B. The Citizen Participation Plan is not intended to produce complete consensus on all applications; rather, it is intended to encourage applicants to be good neighbors and to allow for informed decision-making.****Formatted:** Bullets and Numbering**C. At a minimum, the Citizen Participation Plan shall include the following:****Formatted:** Bullets and Numbering**Deleted:** include**Formatted:** Bullets and Numbering

1. Which residents, property owners, or other interested parties, including Homeowner's Associations may be affected by the application.
2. How those interested in and potentially affected by an application will be notified that an application has been made. At a minimum, mailed notification conforming to the requirements specified in Section 18.44.020.C, Mailed Public Notification, is required.
3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing. Hosting a neighborhood meeting may be required by the Planning Staff.
5. How the applicant will respond to any affected parties questions, concerns, issues and concerns during the process. Hosting at least one follow-up neighborhood meeting, or sending written summaries and responses may be required by the Planning Staff.
6. The applicant's schedule for completions of the Citizen Participation Plan.

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7. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.

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D. The level of citizen interest and involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:

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1. Property owners within the public hearing notice area required by **Section 18.44.020**.

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2. The head of any Homeowners Associations (HOA's) or registered neighborhood within the public notice area required by **Section 18.44.020**, Public Notice.

E. These requirements apply in addition to public notice provisions required in **Chapter 18.44**, Public Notice, Hearing and Appeals.

F. The applicant may submit a Citizen Participation Plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Planning Department Staff.

G. The submitted Citizen Participation Plan will be reviewed by the Planning Staff and may be accepted, accepted subject to modifications, or rejected.

H. Neighborhood Meetings: An approved Citizen Participation Plan will usually include a requirement that a neighborhood meeting be held to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate directly with the applicant regarding any issues, concerns or comments that they might have on a proposed development project. Neighborhood meeting(s) may be required, at the Planning Director's discretion, during the preapplication stage, administrative internal review stage and/or prior to the public hearing final disposition stage.

18.74.020 Citizen Participation Report

A. The Section applies only when a Citizen Participation Plan is required by this Code.

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B. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing, as required by **Section 18.44.020**. This report will be attached to the Planning Department's Staff report.

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C. At a minimum, the Citizen Participation Report shall include the following information:

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1. Details of techniques the application used to involve the public, including:

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i. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications.

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ii. A contact list for residents, property owners, and interested parties receiving notices, newsletters, or other written materials.

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iii. The number of people that participated in the process.

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2. A summary of concerns, issues and problems expressed during the process, including:

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i. The substance of the concerns, issues, and problems.

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ii. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process.

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iii. Concerns, issues and problems the applicant is unwilling or unable to address and why.

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18.76 HLDR DEVELOPMENT PLAN

18.76.010 HLDR Individual Lot Development Plan

An individual lot development plan conforming to the requirements below shall be administratively approved prior to the issuance of any building permit.

18.76.020 Required Information

A development plan, minimum size 24" x 36", drawn to a scale of 1" = 40' and showing contours at intervals of 2', shall contain the following:

1. The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein.
2. The proper building setbacks and building area with reference to property line, highways, or street rights-of-way.
3. The location and surfaces of all parking areas and the exact number of parking spaces.
4. The location of natural watercourses and other natural and historic features.
5. The location of proposed landscaping. The use of xeric plantings is encouraged. The area of high water plantings and turf grasses is limited to not more than the square footage of the proposed/existing house.
6. The location of all permanent accesses from publicly dedicated streets, roads, or highways.
7. The location of all roadways, walkways, bridges, fire hydrants, culverts, drainage easements existing or contemplated, and green belts.
8. The stages, if appropriate, in which the project will be developed.

9. A vicinity map to locate the development in relation to the community.
10. Location of all proposed uses, structures, and other natural or manmade features and relationship of uses, structures, and features to internal and
11. A Grading and Erosion Control Plan containing plans for the control of erosion in accordance with the following principals:
 - i) Fitting the development plans to topography and vegetative cover.
 - ii) Reducing the area and duration of exposed soil.
 - iii) Removing and saving topsoil prior to any grading or excavating and replacement for revegetation.
 - iv) Retaining and protecting natural vegetation wherever possible.
 - v) Covering disturbed soils with mulch, topsoil, and vegetation.
 - vi) Retarding runoff, erosion and sediment in runoff water through the use of sedimentation ponds and other best management practices.

Final approval for occupancy by the Building Official and Zoning Officer shall not be granted unless the Grading and Erosion Control Plan has been satisfactorily completed. In addition a stop order, a cease and desist order, or such other remedy as may be deemed appropriate by the City, may be utilized during construction to assure compliance with the Grading and Erosion Control Plan.

12. Proof that water to be discharged from the property will not exceed historic flows previously occurring in the undeveloped condition.

13. A soils and geohazards report, prepared by a professional engineer or geologist, addressing the following (required only if the average slope of the lot or the slope at the actual building site exceed 17%):

- i) General compatibility of natural features with proposed land use:
 - a. Topography.
 - b. Lateral stability of earth materials.
 - c. Problems of flood inundation, erosion, and deposition.
 - d. Problems caused by features or conditions in adjacent properties.
 - e. Other general problems.
- ii) Proposed Cuts:

- a. Prediction of what materials and structural features will be encountered.
- b. Prediction of stability based on geological factors.
- c. Problems of excavation (e.g. unusually hard or massive rock, excessive flow of groundwater).
- d. Recommendations for reorientation or repositioning of cuts, reduction of cut slopes, development of compound cut slopes, special stripping above daylight handling of seepage water, setbacks for structures above cuts, etc.

iii) Proposed Masses of Fill:

- a. General evaluation of planning with respect to canyon-filling and side hill masses to fill.
- b. Comment on suitability of existing natural materials for fill.
- c. Recommendations for positioning of fill masses, provision for underdrainage, buttressing, special protection against erosion.

iv) Recommendations for Subsurface Testing and Exploration:

- a. Cuts and test holes needed for additional geological information.
- b. Program of subsurface exploration and testing, based upon geological considerations that are most likely to provide data needed by the soils engineer.

v) Special Recommendations:

- a. Areas to be left as natural ground.
- b. Removal or buttressing of existing slide masses.
- c. Flood protection.
- d. Problems of groundwater circulation.
- e. Position of structures, with respect to active faults.

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<u>Application Type</u>	<u>Planning Staff (A)</u>	<u>Historic Preservation Commission</u>	<u>City Planning Commission (B)</u>	<u>City Council (C)</u>
Administrative Review (Building & Grading Permits)	Final Approval		<u>Appeal</u>	
Minor Modifications	<u>Final Approval</u>		<u>Appeal</u>	
Concept Plan			<u>Discussion Item Only (No Approval)</u>	
Minor Development Plan	<u>Recommendation</u>		<u>Final Approval</u>	<u>Appeal</u>
Major Development Plan	Recommendation		Recommendation	Final Approval
Rezoning	Recommendation		Recommendation	Final Approval
Grading Permit	Final Approval		<u>Appeal</u>	
Zoning Variance	Recommendation		Final Approval	<u>Appeal</u>
Conditional Use Permit	Recommendation		Recommendation	Final Approval
Master Plan	Recommendation		Recommendation	Final Approval
Major Subdivision - Preliminary Plat	Recommendation		Recommendation	Final Approval
Major Subdivision - Final Plat	Recommendation		Recommendation	Final Approval
Minor Subdivision	Recommendation		Final Approval	<u>Appeal</u>
Issuance of Building Permit to Previously Platted Land (Replatting Waiver)	Final Approval		<u>Appeal</u>	
Issuance of Building Permit to Unplatted Land (Platting Waiver)	Final Approval		<u>Appeal</u>	
Subdivision Waiver (Minor Subdivision)	Recommendation		Final Approval	<u>Appeal</u>
Subdivision Waiver (Major Subdivision)	Recommendation		Recommendation	Final Approval
Vacation Plat	Recommendation		Recommendation	Final Approval
Vacation of Easement	Recommendation		Recommendation	Final Approval
Minor Modifications	<u>Final Approval</u>			
Vacation of Right-of-	Recommendation		Recommendation	Final Approval

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Admin. Material Change of Appearance Certification (MCAC)	Final Approval	<u>Appeal</u>		
MCAC (New Construction)	Recommendation	Final Approval		<u>Appeal</u>
MCAC (Alteration to Existing Structure)	Recommendation	Final Approval		<u>Appeal</u>
MCAC (Demolition)	Recommendation	Recommendation		Final Approval
Minor Annexation	Recommendation		Recommendation	Final Approval
Major Annexation	Recommendation		Recommendation	Refer to Voters
Temporary Sign Permit	Final Approval		<u>Appeal</u>	
Regular Sign Permit	Final Approval		<u>Appeal</u>	
Sign Design Guidelines Variance	Recommendation	Final Approval		<u>Appeal</u>
Sign Ordinance Variance	Recommendation	Final Approval		<u>Appeal</u>
Sign Permit in Residential Zone	Recommendation	Recommendation (if in Historic District)	Recommendation	Final Approval
Building Permit Application	Final Approval			
Floodplain Variance	Recommendation		Final Approval	<u>Appeal</u>
<u>Amendments to all City Codes and Regulations</u>	<u>Recommendation</u>	<u>Recommendation (as applicable)</u>	<u>Recommendation</u>	<u>Final Approval</u>
<u>Interpretations of Zoning and Subdivision Codes</u>	<u>Final Approval</u>		<u>Appeal</u>	

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Appeal to ?**Deleted:** Appeal of Administrative Action (MCAC)**Deleted:** Appeal of Administrative Zoning or Subdivision Action**Deleted:** Final Approval
Appeal to CC**Deleted:** Appeal of Historic Preservation Commission Action**Deleted:** Final Approval**Deleted:** Appeal of Planning Commission Action**Deleted:** Final Approval**18.80.010 Decisions**

A. Planning Department: The decisions of the Planning Director or assigns shall be deemed final and shall set forth the finding of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety and welfare. Appeals of administrative decisions shall follow procedures in Section 18.44.040.

B. City Planning Commission: After reviewing the Staff report and receiving testimony, the City Planning Commission shall render its decision at the conclusion of the public hearing, except where the City

Planning Commission is acting only in its advisory capacity to the City Council. Any decision shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare. Appeals of City Planning Commission decisions shall follow procedures in **Section 18.44.040**. For applications in which the City Planning Commission makes the final decision

The City Planning Commission's decisions, for applications which City Planning Commission has approval authority in **Chapter 18.80**, Process, shall be final agency action unless an appeal to City Council is filed pursuant to the Appeals Section of this Code.

C. City Council: After reviewing the Staff report and receiving testimony, the City Council shall announce its decision at the conclusion of the public hearing. The decision shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety, and welfare.

In all matters before the City Council relating to the actions, on appeal, and/or recommendations of the City Planning Commission, the entire file of City Planning pertaining to the matters shall be made a part of the record of the City Council. The file shall include, but not be limited to, the City Planning Commission's notice of action, maps, drawings, departmental reports, and application information.

1. The Director, or assigns, shall have jurisdiction over matters identified in the table contained in **Section 18.80**,

The Planning Director or designees shall administer this ordinance.

A. BUILDING PERMITS

It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, alteration, enlargement, extension, or moving of any building, structure or any portion thereof, without first having applied in writing to the Planning Department and the Regional Building Department for a permit to do so and until a permit has been granted therefore. Unless construction is begun within a period of six (6) months from the date of approval, such approval shall expire unless good cause can be shown to the Planning Director that the building permit should not expire. In the event that good cause is shown, the Planning Director may extend the permit for up to one, three (3) month period. This expiration period shall not apply if it is otherwise specified by a development agreement approved by the City Council.

B. GRADING PERMITS

Grading permits are required as described in **Chapter 18.68** of this ordinance.

Where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition peculiar to a particular piece of property, the strict application of any provisions of these regulations would result in exceptional demonstrable, unnecessary hardship, the Planning Commission, upon receiving a complete application for relief and after reviewing a recommendation from the Planning Department, shall have the power to grant a variance from such strict application so as to relieve such demonstrable difficulties or hardships, subject to the requirements of this section.

4. Applicant must submit evidence that surrounding property owners within 100' of subject property, excluding adjacent rights-of-way, have been notified by first class mail with proof of mailing.

HEARING ON APPLICATION

The Planning Commission shall hold a public hearing on the application.

In accordance with **Section 18.44**,

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the City shall place at least one (1) notice of hearing on the property or structure, at least ten (10) days prior to the Planning Commission meeting at which the property or structure is to be considered.

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, after receiving a recommendation from the Planning Department,

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FINAL ACTION

The Planning Commission, after receiving a recommendation from the Planning Department, shall consider the application and approve, conditionally approve or deny it according to the provisions of this section.

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In granting a variance, the Planning Commission may prescribe appropriate conditions in conformity with these regulations.

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18.32.070 CONDITIONS OF APPROVAL:

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. Public notice for a public hearing to be held by the Planning Commission on any item and for those items appealed to the City Council shall consist of the following:

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- A. Publication: The Planning Department is responsible for the notice of a public hearing which shall be published in a local newspaper as designated for the purpose by the City Council, not more than thirty (30) days or less than ten (10) days prior to the date of hearing.
- B. Posting: City Planning may require that the applicant post public notice in the form of a sign upon properties under development consideration. The posting is to provide opportunity for public notice of owners of surrounding properties and the general public. Posting shall be required for all applications requiring a public hearing as well as Grading Permits.

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- D. Neighborhood Meetings: Some applications require a Citizen Participation Plan, refer to **Section 18.74**, to be completed, and this may include a requirement that a neighborhood meeting be held to discuss proposed development projects. The purpose of a neighborhood meeting is to allow neighborhood residents to communicate to the applicant any issues, concerns or comments that they might have regarding a proposed development project. Neighborhood meeting(s) may be required, at the Planning Director's discretion, during the preapplication stage, administrative internal review stage and/or prior to the public hearing final disposition stage.

City of Manitou Springs

Zoning Map

GR - GENERAL RESIDENTIAL
 LDR - LOW DENSITY RESIDENTIAL
 LDR* - CONDITIONAL APPROVAL
 HLDR - HILLSIDE LOW DENSITY RESIDENTIAL
 HLDR* - MANITOU MESA
 C - COMMERCIAL
 C* - RESTRICTED USES
 X - NOT WITHIN MANITOU SPRINGS
 DWTN - DOWNTOWN
 OS - OPEN SPACE

